



Tr.C.M.P.(MD)No.630 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.630 of 2024
and
C.M.P.(MD)No.15181 of 2024

G.Gowsalya

... Petitioner

Vs.

Mariyappan

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the H.M.O.P.No.192 of 2024 on the file of Principal Sub Court, Tenkasi and transfer the same to the Sub Court, Rajapalayam, Virudhunagar District.

For Petitioner : Mr.S.Ramasamy

For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the



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case on the file of the Principal Subordinate Court, Tenkasi, in H.M.O.P.No.192 of 2024 and transfer the same to the Subordinate Court, Rajapalayam, Virudhunagar District.

2. Despite receipt of Court notice as well as private notice, the respondent has not entered into appearance.

3. Heard the learned counsel appearing for the petitioner.

4. It is evident from the records that the marriage between the petitioner and the respondent was solemnized on 19.11.2018. It is not in dispute that the respondent has filed a petition in H.M.O.P.No.192 of 2024 seeking restitution of conjugal rights and the same is pending on the file of the Principal Subordinate Court, Tenkasi.

5. The learned counsel appearing for the petitioner would submit that the petitioner has been suffering from active pulmonary tuberculosis and short bowel syndrome, that she is having 5 year old boy and that she finds it difficult to travel from Rajapalayam to Tenkasi and hence, she was



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constrained to file the present transfer petition.

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6. The petitioner has also produced the medical records issued by Meenakshi Mission Hospital and Research Centre, Madurai and also Apollo Speciality Hospitals, Madurai, wherein, it has been shown that the petitioner was suffering from active pulmonary tuberculosis and short bowel syndrome.

7. Considering the above facts and circumstances of the case and also taking note of the serious health issues of the petitioner and her place of residence, this Court is of the view that the case in H.M.O.P.No.192 of 2024 is ordered to be withdrawn from the file of the Principal Subordinate Court, Tenkasi, and transfer the same to the file of the Subordinate Court, Rajapalayam. Accordingly, the learned Principal Subordinate Judge, Tenkasi, is hereby directed to transmit the entire records in H.M.O.P.No. 192 of 2024 to the file of the Subordinate Court, Rajapalayam, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Subordinate Judge, Rajapalayam, is directed to take up the petition on file and proceed in accordance with law.



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8. With the above direction, the Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

09.12.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Principal Subordinate Court,
Tenkasi.
2. The Subordinate Court,
Rajapalayam, Virudhunagar District.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.630 of 2024
and
C.M.P.(MD)No.15181 of 2024

Dated : 09.12.2024