



Tr.CMP.(MD)No.682 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.08.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.682 of 2023

and

C.M.P.(MD)No.15223 of 2023

D.Shanmuga Jothi

.. Petitioner

Vs.

S.Sanjay Gandhi

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No. 799 of 2022 on the file of the Family Court, Theni and transfer the same to the file of the Sub Court, Aruppukottai to be tried along with H.M.O.P.No. 125 of 2023.

For Petitioner : Mr.C.Arockia Selvi

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.799 of 2022 on the file of the



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Family Court, Theni and transfer the same to the file of the Sub Court, Aruppukottai to be tried along with H.M.O.P.No.125 of 2023, which is pending on the file of the Sub Court, Aruppukottai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 13.06.2021 at Thiruparankundram as per Hindu Rites and Customs.

3. Due to disputes and differences, the parties have separated, and the petitioner/wife has initiated the proceeding seeking restitution of conjugal rights in H.M.O.P.No.125 of 2023 on the file of the Sub Court, Aruppukottai. The respondent/husband has filed the proceeding in H.M.O.P.No.799 of 2022 on the file of the Family Court, Theni seeking divorce.

4. The name of the respondent has been printed in the cause list. Despite the name has been printed in the cause list, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.



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5. Heard the learned counsel appearing on behalf of the petitioner.

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6. The learned counsel for the petitioner would submit that the petitioner/wife is now residing along with her parents at Aruppukottai Taluk, Virudhunagar District. The distance between Aruppukottai and Theni is around 130 Kms, and the petitioner/wife finds it very difficult to travel such a long distance to attend every Court hearing as she has nobody to accompany her except her aged parents. Hence, she seeks transfer of proceeding from the file of the Family Court, Theni to the file of the Sub Court, Aruppukottai.

7. Taking into consideration of the facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this transfer petition.

8. The learned Judge, Family Court, Theni is directed to transmit the entire records, pertaining to the case in H.M.O.P.No.799 of 2022 to the Sub Court, Aruppukottai within a period of two weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Sub Court, Aruppukottai is directed to take the case on file and dispose of



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the same along with the case in H.M.O.P.No.125 of 2023 in accordance with law.

9. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

27.08.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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P. VADAMALAI, J.

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To

- 1.The learned Judge, Family Court,
Theni
- 2.The learned Judge, Sub Court,
Aruppukottai

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and
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