



TR.CMP(MD).No.706 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

**TR.CMP(MD).No.706 of 2023 and
CMP(MD).No. 15868 of 2023**

R.Balagurunathan

... Petitioner

Vs.

Balasaraswathi

... Respondent

PRAYER:- Petition filed under Section 24 C.P.C., to withdraw and transfer the HMOP.No.324 of 2023 on the file of the Family Court, Thoothukudi to be tried along with HMOP.No.56 of 2021 before the Sub Court, Tirunelveli.

For Petitioner : Mr.B. Aravindraj

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw and transfer the case in HMOP.No.324 of 2023 on the file of the



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Family Court, Thoothukudi to the file of the Sub Court, Thirunelveli to be tried along with HMOP.No.56 of 2021.

2. The petitioner herein is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 15.02.2019 as per Hindu Rites and Customs. Due to the matrimonial dispute, the respondent left the matrimonial home. Thereafter, the petitioner herein filed HMOP.No.89 of 2020, on the file of Sub Court, Valliyoor seeking restitution of conjugal rights. In such circumstances, the respondent herein filed a Transfer CMP(MD).No. 405 of 2021 before this Court seeking to transfer the said HMOP to the file of the Sub Court, Thirunelveli and the same was ordered and thereafter, the said HMOP was transferred to the file of Sub Court, Thirunelveli and re-numbered as HMOPO.No.56 of 2021. Subsequently, the respondent herein filed HMOP.No.324 of 2023 on the file of the Family Court, Thoothukudi seeking divorce.

3. Even though the notice is served upon the respondent, she has not chosen to appear before this Court either in person or through Advocate. So after hearing the learned Counsel for the petitioner, this



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order is passed.

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4. The learned counsel appearing for the petitioner submitted that in order to harass the petitioner, the respondent herein filed divorce petition and purposely evading to conduct the case at Thirunelveli. Hence, he prays for allowing this Transfer CMP.

5. Considering the fact that the HMOP.No.56 of 2021 filed by the petitioner for restitution of conjugal rights was transferred to the file of the Sub Court, Thirunelveli only based on the Transfer CMP petition filed by the respondent and that issues involved in both the HMOPs are one and the same, this Court is inclined to allow this petition.

6. Accordingly, the Transfer CMP is allowed and HMOP.No. 324 of 2023 pending on the file of the Family Court, Thoothukudi is ordered to be withdrawn and the transferred to the file of Sub Court, Thirunelveli to be tried along with HMOP.No.56 of 2021. The learned Judge, Family Court, Thoothukudi is directed to transmit the entire records pertaining to the case in HMOP.No.324 of 2023 to the transferee Court, within a week from the date of receipt of a copy of this order. No costs.



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Consequently, connected Miscellaneous Petition is also closed.

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Internet : Yes / No

Index : Yes / No

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To

1. The Family Court, Thoothukudi.
2. The Sub Court, Tirunelveli.



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G.ILANGO VAN,J.

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