



Tr.C.M.P.(MD).No.726 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P.(MD).No.726 of 2023
and C.M.P.(MD).No.16195 of 2023

Mrs.Nandhini ... Petitioner/Respondent

Vs.

S.Sivachandran ... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.87 of 2023 from the file of the Principal Sub Court, Hosur and transfer the same to the Family Court, Dindigul to try along with H.M.O.P.No.337 of 2023.

For Petitioner : Mr.S.Kumar

For Respondent : Mrs.S.Vanitha

ORDER

This petition has been filed seeking to withdraw the H.M.O.P.No. 87 of 2023 from the file of the Principal Sub Court, Hosur and transfer the same to the Family Court, Dindigul to try along with H.M.O.P.No. 337 of 2023.



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2.The marriage between the parties was solemnized on 25.04.2021. Thereafter, due to some misunderstanding they were separated from each other. Due to which the petitioner filed maintenance case in M.C.No.47 of 2023 has been filed before the learned Judicial Magistrate, Dindigul. While so, the respondent filed H.M.O.P.No.87 of 2023 seeking divorce on the file of the Principal Sub Court, Hosur. In the meantime, the petitioner filed H.M.O.P.No.337 of 2023 on the file of the Family Court, Dindigul, seeking restitution of conjugal rights. Since the petitioner depending upon her old aged parents, she is unable to travel to attend every hearing before the Principal Sub Court, Hosur. Hence, seeking transfer of the same this petition has been filed.

3.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4.The learned counsel for the respondent requests that the petition may be transferred to the middle place. He would further submit that the respondent filed H.M.O.P. petition before the petition filed by the



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petitioner.

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5.However, considering the facts and circumstances of the case and considering the convenience of the wife, the H.M.O.P.No.87 of 2023 filed by the respondent on the file of the Principal Sub Judge, Hosur, is ordered to be withdrawn and transferred to the Family Court, Dindigul, to try along with H.M.O.P.No.337 of 2023.

5.Accordingly, this transfer civil miscellaneous petition is allowed.
No Costs. Consequently, connected miscellaneous petition is closed.

21.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Judge, Family Court, Dindigul.
- 2.The Principal Subordinate Judge, Hosur.
- 3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGO VAN,J.

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