



Tr.CMP(MD)No.736 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.CMP(MD)No.736 of 2023

and

CMP(MD)No.16390 of 2023

Geetha

.. Petitioner/Respondent

Vs.

Rajesh Babu

.. Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the and transfer the HMOP.No. 9 of 2023 from the file of the learned Subordinate Judge, Srivilliputhur, Virudhuangar District to be tried on the file of the Sub Court, Thenkasi, Thenkasi District.

For Petitioner : Mr. R.Ilayaraja

For Respondent : No appearance



Tr.CMP(MD)No.736 of 2023

WEB COPY

ORDER

The wife is the petitioner herein. The husband is the respondent. The respondent/husband filed HMOP.No.87 of 2022 before the Sub Court, Srivilliputhur, Virudhuangar District seeking a decree of divorce. The petitioner filed HMOP.No.9 of 2023 before the very same Court ie., the Sub Court, Srivilliputhur seeking restitution of conjugal right. Both the matters are pending before the same Court. This petition has been filed to transfer the HMOP.No.9 of 2023 from the file of the Sub Court, Srivilliputhur, Virudhuangar District to the file of the Sub Court, Tenkasi, Tenkasi District.

2. The learned counsel for the petitioner submitted that the petitioner is now residing at Cutralam in Tenkasi District and she has to travel about 80 kms to attend the Court proceedings from Tenkasi to Srivilliputhur, Virudhunagar District. He further submitted that she has to take care of her child who is studying at Tenkasi. Hence, the petitioner filed this petition to transfer the HMOP.No.9 of 2023 from the file of the to the file of the Sub Court, Srivilliputhur, Virudhuangar District to the



Tr.CMP(MD)No.736 of 2023

file of the Sub Court, Thenkasi, Thenkasi District to conduct joint trial.

3. The divorce petition filed by the husband in HMOP.No.87 of 2020 was transferred to the Sub Court, Tenkasi. Now it is pending before that Court. So, on that ground, this petitioner is filed seeking transfer of HMOP.No.9 of 2023 to the Sub Court, Tenkasi. She enclosed a copy of the order passed in Tr.CMP.No.445 of 2023 which was filed by this petitioner seeking transfer of HMOP.No.87 of 2022 wherein I find that considering the grievance of the petitioner it was transferred to the Sub Court, Tenkasi.

4. On a question made by this Court to the learned counsel for the petitioner as to why a similar application was not filed along with Tr.CMP.No.445 of 2023, it was submitted that subsequent to that transfer only the HMOP.No.9 of 2023 was filed.

5. Considering the pendency of the two cases, arising out the issue between the husband and wife, before two separate Courts, this Court withdraws H.M.O.P.No.9 of 2023 from the file of the Sub Court,



Tr.CMP(MD)No.736 of 2023

Srivilliputhur, Virudhuangar District and transfers the same to the file of the Sub Court, Tenkasi, Tenkasi District. The Sub Court, Srivilliputhur, Virudhuangar District is directed to transfer the entire records in H.M.O.P.No.9 of 2023 to the transferee Court forthwith. The transferee Court shall receive the records and assign a new number, send notice to both parties and proceed both the matters jointly.

6. With the above direction, this Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected miscellaneous petition is closed.

05.01.2024

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

PJL

To

1.The Sub Judge, Srivilliputhur, Virudhuangar District.

2.The Sub Court, Tenkasi, Tenkasi District.



WEB COPY



Tr.CMP(MD)No.736 of 2023



WEB COPY



Tr.CMP(MD)No.736 of 2023

G.ILANGO VAN, J.

PJL

Tr.C.M.P.(MD)No.736 of 2023

05.01.2024