



Tr.C.M.P.(MD).No.754 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P.(MD).No.754 of 2023
and C.M.P.(MD).No.16969 of 2023

G.Surya Devi ... Petitioner/Respondent

Vs.

Gubendra Kumar ... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.456 of 2023 on the file of the Sub-Court, Poonamallee and to transfer the same to the file of the Sub-Court, Palani for trial along with H.M.O.P.No.36 of 2023.

For Petitioner : Mr.D.Venkatesh

For Respondent : No Appearance

ORDER

This petition has been filed seeking transfer of H.M.O.P.No.456 of 2023 from the file of the Sub-Court, Poonamallee to the file of the Sub-Court, Palani to try along with H.M.O.P.No.36 of 2023.



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2.The facts in brief:

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The marriage between the parties was solemnized on 20.08.2021. Out of their wedlock they gave birth a male child on 04.07.2023. In the meantime, there was dispute arose between them. Hence, she filed H.M.O.P.No.36 of 2023 for restitution of conjugal rights before the learned Sub Judge, Palani. After entering appearance, the respondent filed an application for divorce in H.M.O.P.No.456 of 2023 before the Sub court, Poonamallee. Since the petitioner gave birth to a male child recently, she is not in position to travel long distance to attend the H.M.O.P. proceedings in Sub Court, Poonamallee. Hence, seeking transfer of the same this petition has been filed.

3.Heard the learned counsel for the petitioner. Even though the respondent was served with notice, none appears on behalf of him. His name was also printed in the cause list.

4.Considering the facts and circumstances of the case and considering the convenience of the wife, the H.M.O.P.No.456 of 2023 filed by the respondent on the file of the Sub Judge, Poonmallee, is



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ordered to be withdrawn and transferred to the Sub Court, Palani to try along with H.M.O.P.No.36 of 2023.

5.Accordingly, this transfer civil miscellaneous petition is allowed.

Consequently, connected miscellaneous petition is closed.

01.02.2024

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

To

- 1.The Subordinate Judge, Poonamallee.
- 2.The Subordinate Judge, Palani.
- 3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAN,J.

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