



WEB COPY

TR CMP No. 63 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-09-2025

CORAM

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

**TR CMP No. 63 of 2023
and CMP No.1568 of 2023**

Rathna @ Kamatchi

Petitioner

Vs

PRADEEPAKUMAR

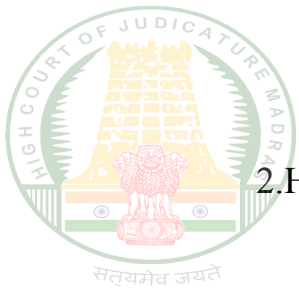
Respondent

PRAYER Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure Code, 1908 praying to withdraw the HMOP. No.572/2022 pending on the file of Family Court, Nagercoil and transfer the same to the Principal Sub Court, Mayiladuthurai.

For Petitioner: Mr.B.Jawahar

ORDER

This petition has been filed to withdraw the HMOP. No.572/2022 from the file of the Family Court, Nagercoil to transfer the same to the Principal Sub Court, Mayilladuthurai.



2. Heard Mr.B.Jawahar, learned counsel for the petitioner.

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3. The learned counsel for the petitioner would submit that the respondent has not chosen to enter appearance despite service of notice. The paper publication was also effected to that effect and the name of the respondent is also printed in the cause list. The respondent called absent and set *ex-parte*. The petitioner has filed a petition in HMOP. No.130 of 2022 seeking for restitution of conjugal rights which is pending on the file of the Principal Sub Court, Mayiladuthurai. The case is transferred to the file of the Principal Sub Court, Mayiladuthurai, it is convenient for both the parties concerned and the case is withdrawn and the case is transferred to the Principal Sub Court, Mayiladuthurai, no prejudice would be caused to the respondent, if the transfer request made by the petitioner/wife is acceded to.

4. I have gone through the affidavit filed in support of the transfer petition as well. I find merit on the submission made by the learned counsel for the petitioner.

5. In view of the above and also subsequent developments that have been highlighted by the learned counsel for the petitioner, there can be no impediment for Tr.CMP. No.63 of 2023 being allowed as prayed for. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. The case in HMOP. No.572 of 2022 is hereby withdrawn from the file of the Family Court,



Nagercoil and transferred to the file of the Principal Sub Court, Mayiladuthurai.

Considering that the petition in HMOP.No.130 of 2022 filed by the wife and the petition in HMOP. No.572 of 2022 filed by the husband are pending from 2022 onwards, and both the cases shall expedite for final hearing/disposal of the matters as expeditiously as possible. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

03-09-2025

gbi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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M.JOTHIRAMAN J.
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To

1.The Family Court, Nagercoil.

2.The Principal Sub Court,
Mayiladuthurai.

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