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Tr.C.M.P(MD).No.699 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.699 of 2024
and
C.M.P(MD)No.16844 of 2024

Jannath Firthose : Petitioner

Vs.

M.Mohamed Arsath : Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the suit in O.S.No.435 of 2024 pending on the file of the Principal Subordinate Court, Dindigul and transfer the same to the Subordinate Court, Pudukkottai.

For Petitioner : Mr.D.Ravindran

For Respondent : Mr.T.K.Gopalan

ORDER

The Transfer Civil Miscellaneous Petition has been filed seeking orders to withdraw the suit in O.S.No.435 of 2024 pending on the file of the Principal Subordinate Court, Dindigul and transfer the same to the Subordinate Court, Pudukkottai.



Tr.C.M.P(MD).No.699 of 2024

2. It is evident from the records that the marriage between the parties was solemnized on 28.11.2018 and due to their wed-lock they were blessed with a female child. It is not in dispute that the respondent has filed a suit in O.S.No.435 of 2024, seeking dissolution of marriage and the same is pending on the file of the Principal Subordinate Court, Dindigul. It is also not in dispute that the petitioner has filed a suit in O.S.No.13 of 2024, for restitution of conjugal rights and the same is pending on the file of the District Munsif Court, Ponnamaravathi and the petitioner has also initiated the proceedings under the Domestic Violence Act in D.V.C.No.1 of 2024 and the same is pending on the file of the Judicial Magistrate Court, Ponnamaravathi.

3.The learned counsel for the petitioner would submit that the petitioner is residing at Pudukkottai and finds it very difficult to travel to Dindigul to attend all the hearings.

4.The learned counsel for the respondent would submit that their child is now studying in Natham and hence, the question of seeking transfer from Dindigul to Pudukkottai does not arise. He would further submit that in case of transfer, the suit pending in O.S.No.13 of 2024 for restitution of conjugal rights before the District Munsif Court, Ponnamaravathi may also be transferred.



Tr.C.M.P(MD).No.699 of 2024

5.The learned counsel for the petitioner would submit that they have already decided to shift the child in the next academic year from Natham School and that they have no objection to transfer the suit in O.S.No.13 of 2024 for restitution of conjugal rights filed by the petitioner before the District Munsif Court, Ponnamaravathi.

6. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is residing at Pudukkottai and also the submissions made on either side, this Court is of the view that the suits in O.S.No.13 of 2024 and O.S.No.435 of 2024, are ordered to be withdrawn from the file of the District Munsif Court, Ponnamaravathi and Principal Subordinate Court, Dindigul respectively and transfer the same to the file of the Principal Subordinate Court, Pudukkottai. Accordingly, the learned District Munsif, Ponnamaravathi and the learned Principal Subordinate Judge, Dindigul, are hereby directed to transmit the entire records in O.S.No.13 2024 and O.S. No.435 of 2024 respectively, to the file of the Principal Subordinate Court, Pudukkottai, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Principal Subordinate Judge, Pudukkottai, is directed to take up the suits on file and proceed in accordance with law.



Tr.C.M.P(MD).No.699 of 2024

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7. With the above directions, the Transfer Civil Miscellaneous Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

27.01.2025

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

To

- 1.The Principal Subordinate Judge, Dindigul.
- 2.The Principal Subordinate Judge, Pudukkottai.
- 3.The Subordinate Judge, Pudukkottai.
- 4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD).No.699 of 2024

K.MURALI SHANKAR, J.

DAS

Order made in
Tr.C.M.P (MD).No.699 of 2024
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27.01.2025