



Tr.CMP.(MD)No.4 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2025

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.4 of 2025

and

C.M.P.(MD)No.123 of 2025

V.Sathishkumar

.. Petitioner

Vs.

Atchaya

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P. No.12 of 2023 on the file of the Sub Court, Devakottai and transfer the same to the file of the Principal District and Sessions Court, Sivagangai to be tried along with G.W.O.P.No.41 of 2024.

For Petitioner : Mr.S.Sathyachidambaram

For Respondent : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.12 of 2023 on the file of the Sub Court, Devakottai and transfer the same to the file of the Principal District and Sessions Court, Sivagangai to be tried along with G.W.O.P.No.41 of 2024.

2. The petitioner is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was solemnized on 17.05.2021 at Devakottai, Sivagangai District as per the Hindu Rites and Customs. Out of wedlock, a male child, named Athish Deva, was born on 01.03.2022.

3. Due to disputes and differences, the parties have separated, and the respondent/husband has initiated the proceeding in H.M.O.P.No.12 of 2023 on the file of the Sub Court, Devakottai seeking restitution of conjugal rights. He has also initiated the proceeding in G.W.O.P.No.41 of 2024 on the file of the Principal District and Sessions Court, Sivagangai seeking order to appoint him as Guardian to his child.



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WEB COPY 4. The name of the respondent has been printed in the cause list.

Despite the name has been printed in the cause list, the respondent/wife has neither entered appearance through a counsel nor in-person to oppose this transfer petition.

5. Heard the learned counsel appearing for the petitioner.

6. The learned counsel for the petitioner would submit that the issues involved in both the proceedings are one and the same, and if both the proceedings are heard together by one learned Judge, it would help both the parties to attend the case hearings on the same date and it would also promote cause of justice and help to adduce common evidence. Hence, he seeks transfer of proceeding in H.M.O.P.No.12 of 2023 from the file of the Sub Court, Devakottai to the file of the Principal District and Sessions Court, Sivagangai to be tried along with G.W.O.P.No.41 of 2024.

7. Considering the facts and circumstances of the case, and also considering the reasons stated in the affidavit filed in support of this petition, this Court is inclined to allow this petition.



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WEB COPY 8. The learned Judge, Sub Court, Devakottai is directed to transmit the entire records pertaining to the case in H.M.O.P.No.12 of 2023 to the file of the Principal District and Sessions Court, Sivagangai within a period of three weeks from the date of receipt of a copy of this order, and on receipt of such records, the learned Judge, Principal District and Sessions Court, Sivagangai is directed to take the case on file, and try the case along with G.W.O.P.No.41 of 2024, and dispose of both the cases as expeditiously as possible in accordance with law.

9. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

10.03.2025

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No
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P. VADAMALAI, J.

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To

- 1.The Sub Court,
Devakottai.
- 2.The Principal District and Sessions Court,
Sivagangai.

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and
C.M.P.(MD)No.123 of 2025

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