



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2015

Coram:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

Tr.C.M.P(MD)No.358 of 2015
and M.P(MD) No.1 of 2015

Muneeswari

.. Petitioner/Respondent

-Vs-

Muthukumar

.. Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the case in H.M.O.P.No.194 of 2015 on the file of the learned Additional Sub Judge, Thanjavur and transfer the same to the learned Sub Judge, Srivilliputtur and pass such further or other orders.

For Petitioner : Mr.K.Sudalaiyandi

For Respondent : Mr.G.Karnan

ORDER

This petition is filed by the petitioner under Section 24 of the Code of Civil Procedure, 1908, to withdraw the matrimonial proceedings in H.M.O.P.No.194 of 2015 from the file of the Additional Sub Court, Thanjavur and transfer the same to the Sub Court, Srivilliputtur for disposal in accordance with law.

2. Heard Mr.K.Sudalaiyandi, learned counsel appearing for the petitioner and Mr.G.Karnan, learned counsel appearing for the respondent.

3. The petitioner herein is the legally wedded wife of the respondent. Their marriage was solemnized on 09.02.2014 at Keelavasal, Thanjavur. On account of fissured crack developed in their matrimonial bond, they had been departed with each other which gave rise to file a petition in H.M.O.P.No.194 of 2015 on the file of the Additional Sub Court, Thanjavur. The petitioner says that now she has been residing at her parental house at Rajapalayam and that she does not have independent income to defend the above proceedings and also she finds it difficult to travel all along with from Srivilliputhur to Thanjavur to attend each and every hearing, as she is having two male children. Under this circumstance, she has approached this Court with this petition seeking transfer of the above said matrimonial proceedings to the learned Subordinate Judge, Srivilliputhur from the file of the Additional Sub Court, Thanjavur.

4. This Court finds that instead of transferring the matrimonial proceedings to the file of the learned Subordinate Judge, Srivilliputhur from the file of the Additional Sub Court, Thanjavur, it may be transferred to a common place ie., Subordinate Court No.III, Madurai, so

as to enable both the parties to attend the matrimonial proceedings which could pave way for speedy disposal.

5. Accordingly, the matrimonial proceedings in H.M.O.P.No.194 of 2015 is ordered to be withdrawn from the file of the Additional Sub Court, Thanjavur and transferred to the file of the Subordinate Court No.III, Madurai. The learned Additional Subordinate Judge, Thanjavur is directed to transmit the records to the transferee Court within a period of one week from the date of receipt of a copy of this order. After getting the records from the learned Additional Subordinate Judge, Thanjavur, the transferee Court is directed to dispose of the same within a prescribed period of six months thereafter, without loss of further time.

6. With this observation, this Transfer Civil Miscellaneous Petition is allowed. There is no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Additional Subordinate Judge,
Thanjavur.
- 2.The Subordinate Judge,
Srivilliputhur.
- 3.The Subordinate Judge No.III,
Madurai.

+1CC to Mr.K.Sudalaiyandi, Advocate, SR.No. 65692
+1CC to Mr.G.Karnan, Advocate, SR.No. 66298

Tr.C.M.P (MD) No.358 of 2015
and
M.P (MD) No.1 of 2015
17.11.2015

AM/24.11.2015/AAL.MPA/2P/6C