



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2015

CORAM:

WEB COPY

**THE HONOURABLE MS.JUSTICE V.M. VELUMANI**

Tr.C.M.P. (MD).No.52 of 2015 and  
M.P. (MD).Nos.1 and 2 of 2015

S. Amirtha : Petitioner

Vs.

S. Vignesh : Respondent

Prayer: This Transfer CMP is filed under Section 24 of CPC praying to withdraw the case in HMOP.No.43 of 2015 on the file of the court of Family Judge, Madurai and to transfer it to the Sub Court, Aruppukkottai.

For Petitioner : Mr. G. Marimuthu  
For Respondent : Mr. Chamundibose

O R D E R

This petitioner, who is the respondent in HMOP.No.43 of 2015 filed this petition, to transfer the HMOP.No.43 of 20015 pending on the file of the Family Court, Madurai to Sub Court, Aruppukkottai.

2. The petitioner and respondent got married on 29.08.2014. On the date of marriage itself mis-understanding arose between the parties. The respondent / husband filed HMOP.No.43 of 2015, before the Family court, Madurai for annulment of marriage that the marriage was not consummated. The petitioner / wife also filed an Interlocutory Application in I.A.No.10 of 2015, to grant permission to file a petition for divorce, within one year from the date of marriage. Both the petitioner and respondent are working at Chennai.

3. According to the petitioner, it will be difficult for her to attend each and every hearing at Family Court, Madurai. On the other hand, it will be more convenient for both the parties, if the HMOP is transferred to Sub Court, Aruppukkottai. Both can represent through Advocate. It will be sufficient if parties appear before the Court at the time of trial.



4. The learned counsel for the respondent / husband contended that if the HMOP is transferred to Sub Court Aruppukkottai, it will take long time for reaching finality of HMOP, filed by the respondent / husband, whereas the same will be disposed earlier by Family Court, Madurai. Hence, he prayed for dismissal.

5. Heard the learned counsel appearing for both parties.

6. Admittedly, both the petitioner and respondent are working at Chennai and the permanent address of the petitioner / wife is at Aruppukkottai. The contention of counsel for petitioner that it will be more convenient for both parties, if HMOP is transferred to Sub Court, Aruppukkottai has considerable force. It will be sufficient for the parties to appear at the time of trial or whenever necessary. They need not appear for each and every hearing. For the sake of convenience of both parties, the HMOP No.43 of 2015 pending on the file of the Family Court, Maudrai is ordered to be withdrawn and transferred to the file of the Sub Court, Aruppukkottai. The learned Family Court, Maudrai is directed to transmit the entire records pertaining to the case in HMOP No.43 of 2015 to the transferee Court, within a week from the date of receipt of a copy of this order. As and when the records relating to HMOP No.43 of 2015 is received from the Family Court, Madurai the Sub Court, Aruppukkotai is directed to dispose of the HMOP.No.43 of 2015 within a period of four months, in accordance with law.

7. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1. The Judge, Family Court, Madurai
  2. The Subordinate Judge, Aruppukkottai, Virudhunagar District
- +One cc to Mr. Chamundi Bose, Advocate, SR.No.20980  
+One cc to Mr. G. Marimuthu, Advocate, SR.No.20566  
trp  
RL/ 5c- 18/5/2015

Tr.C.M.P.(MD).No.52 of 2015 and  
M.P.(MD).Nos.1 and 2 of 2015