



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2016

Coram:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

Tr.C.M.P. (MD) .No.400 of 2016

and C.M.P. (MD) No.7759 of 2016

A.Krinshnaveni

.. Petitioner/Respondent

Vs.

Thirumavalavan @ Durai

.. Respondent/Respondent

**PRAYER:** Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw H.M.O.P.No.92 of 2016 pending on the file of the Additional Sub Court, Karur and transfer the same to any other competent court in Sivagangai.

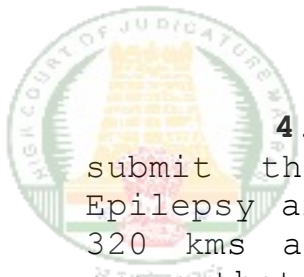
For Petitioner : Mr.K.Baalasundharam  
For Respondent : Mr.S.Rajaprabu

**O R D E R**

This Transfer Civil Miscellaneous Petition is filed seeking for transfer of H.M.O.P.No.92 of 2016 pending on the file of the Additional Sub Court, Karur to any other competent court in Sivagangai.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3.The petitioner is the wife of the respondent. The marriage between them was solemnized on 15.03.2013 and they are blessed with a male baby. The respondent/husband has filed H.M.O.P.No. 92 of 2016 before the Additional Sub Court, Karur for divorce. The petitioner is residing at Thiruppathur and she is working as Secondary Grade Teacher in the Panchayat Union Primary School, Tiruppattur and the child is under her care and custody. The petitioner has to travel more than 300 kms to reach Karur with 2 ½ years child and the petitioner has to take assistance of her father, who is aged 73 years. In view of such circumstances, the petitioner has filed this Transfer Civil Miscellaneous Petition to transfer the case to any other competent court at Sivagangai District.



4. Per contra, learned counsel for the respondent would submit that the respondent herein suffered from Idiopathic Epilepsy and therefore, the respondent could not travel more than 320 kms and attend the hearing before Sivagangai District. He prays that this petition cannot be entertained.

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5. However, taking into consideration of the fact that the petitioner is working as Secondary Grade Teacher in the Panchayat Union School at Tiruppattur and she is having 2 ½ years old child and is also having aged father and difficulties faced by the petitioner to travel more than 320 kms to reach the Additional Sub Court, Karur to attend the court and in the interest of justice, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Judge, Additional Sub Court, Karur, is directed to transmit the entire records in H.M.O.P.No. 92 of 2016 to the file of the Family Court, Madurai, forthwith and

ii) the learned Judge, Family Court, Madurai, after obtaining the records on transfer, is directed to dispose of the matter as expeditiously as possible in accordance with law.

No costs. Consequently, connected C.M.P.(MD) No.7759 of 2016 is closed.

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar

CM

To

1.The Judge,  
Additional Subordinate Court,  
Karur.

2.The Judge,  
Family Court, Madurai.

+1cc to Mr.K.Baalasundharam,Advocate Sr.No. 57418

+1cc to Mr.S.Rajaprabu, Advocate Sr.No. 57642

JAM/20.10.16/EM-MPA/2p-5c.