



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2016

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

Tr.C.M.P(MD)No.410 of 2016

and

C.M.P(MD)No.7928 of 2016

WEB COPY

S.Pandiammal

.. Petitioner

Vs.

S.Subramanian

.. Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in H.M.O.P.No.594 of 2015 from the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Srivilliputhur.

For Petitioner : M/s.P.Kalaiyarasi Bharathi

For Respondent : Mr.M.Ramasubramanian

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.594 of 2015 from the file of the Family Court, Madurai, and transfer the same to the file of the Family Court, Srivilliputhur.

2.The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 29.08.2008 at Saliyur Marriage Hall, Srivilliputhur, Virudhunagar District. The respondent herein filed H.M.O.P.No.594 of 2015 before the Family Court, Madurai, against the petitioner, for divorce.

3.According to the petitioner, the respondent deserted her from the year 2009. The petitioner is living with her aged mother in Srivilliputhur, by doing labour work in a private mill. Further, the distance between Srivilliputhur and Madurai is about 90 Kms and it is very difficult for her to travel for each and every hearing to attend the Family Court, Madurai. Therefore, she has filed the present petition to transfer H.M.O.P.No.594 of 2015 from the file of Family Court, Madurai, to the file of Family Court, Srivilliputhur. The petitioner shall cooperate for enquiry, if the case is transferred to the Family Court, Srivilliputhur.

4.The learned counsel appearing for the respondent would submit that it is also difficult for the respondent to travel the long distance from Madurai to Srivilliputhur, which is more than 90 Kms. The respondent has no objection to transfer H.M.O.P.No.594 of 2015 from the file of the Family Court, Madurai to the file of the Sub Court, Virudhunagar and he shall cooperate



for enquiry, if the case is transferred to the Sub Court, Virudhunagar and he has also prayed for early disposal of the above said HMOP in the event of transfer.

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

6. The petitioner is now residing at Srivilliputhur and she is living with her aged mother by doing labour work in a private mill. The respondent has filed H.M.O.P.No.594 of 2015 before the Family Court, Madurai against the petitioner for divorce. Therefore, the travelling between Srivilliputhur and Madurai will take more than three hours. In the said circumstance, both parties have agreed that the said H.M.O.P.No.594 of 2015 may be transferred to the file of the Sub Court, Virudhunagar and they shall co-operate for enquiry.

7. In view of the above said facts and circumstance, by consent of both parties and also in the interest of justice, the following order is passed:

(i) H.M.O.P.No.594 of 2015, pending on the file of the Family Court, Madurai, is ordered to be withdrawn and transferred to the file of Sub Court, Virudhunagar.

(ii) The learned Judge, Family Court, Madurai is directed to transmit the entire records pertaining to the case in H.M.O.P.No.594 of 2015, to the transferee Court, forthwith.

(iii) As and when the records received, the learned Subordinate Judge, Virudhunagar, is directed to re-number the HMOP and dispose of the same within a period of six months from the date of receipt of a copy of this order.

(v) Both parties shall co-operate for enquiry so as to dispose of H.M.O.P.No.594 of 2015 within the time prescribed by this court.

8. The Transfer CMP is disposed of With above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1. The Judge, Family Court, Madurai.

2. The Subordinate Judge, Virudhunagar.

+One cc to Mr.P.Kalayarasi Bharathi, Advocate, SR.No.56903

+One cc to Mr.M.Ramasubramanian, Advocate, SR.No.57391

smn

RL/5C/2P/GSV/PM/21.0.2016

ORDER MADE IN

Tr.C.M.P (MD) No.410 of 2016

and

C.M.P (MD) No.7928 of 2016

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