



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

Tr.C.M.P(MD)No.418 of 2016 and
CMP(MD).No.8289 of 2016

A. Sindhuja

... Petitioner

Vs.

N. Raja

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the case in HMOP.No.82 of 2016 from the file of Sub Court, Uthamapalayam to the file of the Family Court, Srivilliputur.

For Petitioner : Mr. T. Thangamani
For Respondent : Mr.M.S. Jayakarthis

ORDER

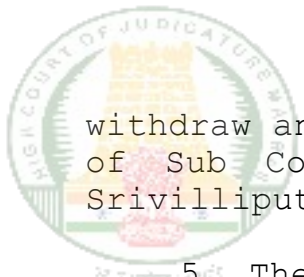
The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in HMOP.No.82 of 2016 from the file of Sub Court, Uthamapalayam to the file of the Family Court, Srivilliputur.

2. The petitioner herein is the wife and the respondent is the husband. Due to dispute between the husband and wife the petitioner left the matrimonial home and she is residing with her parents at Srivilliputur and she is pregnant and expecting a birth of baby. In such circumstances, the respondent filed HMOP.No.82 of 2016 before the Sub Court, Uthamapalayam, for divorce.

3. According to the petitioner, now the petitioner delivered the Baby and she is residing with her parents at Srivilliputur. The distance between Srivilliputur and Uthamapalayam is about 250 kms and it is very difficult for the petitioner to travel each and every hearing to attend H.M.O.P.No.82 of 2016, before the Sub Court, Uthamapalayam along with minor child. There is no one to accompany with her from Srivilliputur to Uthamapalayam to attend each and every hearing, before the Sub Court, Uthamapalayam. Further, the petitioner is unemployed woman and she is only depending on her parents for her day-to-day expenses, including the travel expenses.

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4. In such circumstances, the petitioner filed this petition to



withdraw and transfer the case in HMOP.No.82 of 2016 from the file of Sub Court, Uthamapalayam to the file of the Family Court, Srivilliputur.

5. The learned counsel appearing for the respondent submitted that the respondent has no objection to allow this petition and he seeks early disposal of the above said HMOP.

6. Heard the learned counsel appearing for the parties.

7. In view of the no objection made by the learned counsel appearing for the respondent, I am of the view that the petition filed by the wife is liable to be allowed. Both the counsels also undertake that they will co-operate for trial before the Family Court, Srivilliputur. The said undertaking is recorded.

8. In such circumstances, the following order is passed:-

(i) HMOP.No.82 of 2016, pending on the file of Sub Court, Uthamapalayam is ordered to be withdrawn and transferred to the file of the Family Court, Srivilliputur.

(ii) The learned Subordinate Judge, Uthamapalayam is directed to transmit the entire records pertaining to the case in HMOP.No.82 of 2016, to the transferee Court, within a week from the date of receipt of a copy of this order, if the same is not yet disposed of.

(iii) The Registry is also directed to send back the papers that are pending before the Registry.

(iv) As and when the records received, the learned Judge, Family Court, Srivilliputur, is directed to re-number the HMOP and dispose of the same, as expeditiously as possible in any event not later than four months from the date of receipt of a copy of this order.

9. Accordingly, the Transfer CMP is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Uthamapalayam.
2. The Judge, Family Court, Srivilliputur.

+ 1 CC TO Mr.T.THANGAMANI, ADVOCATE IN SR No. 58379

+ 1 CC TO Mr.M.S.JEYAKARTHIK, ADVOCATE IN SR No. 58385

TRP

TE/SK-SKN : 24/10/2016 : 2P/5C

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