



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2017

CORAM:

THE HONOURABLE MS.JUSTICE S.BASKARAN

Tr.C.M.P. (MD) No.317 of 2017
and
C.M.P. (MD) No.6757 of 2017

Sathya

.. Petitioner

Vs.

Gurunathan

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the C.M.A.No.21 of 2017 pending on the file of Mahalir Neethimandram, Fast Track, Mahila Court, Karur and transfer the same to District Court, Perambalur for disposal.

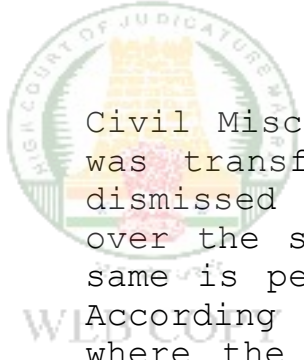
For Petitioner
For Respondent

: Mr.V.Sitharanjandas
: Mr.T.Senthilkumar

O R D E R

The petitioner has come forward with this petition seeking to transfer C.M.A.No.21 of 2017 pending on the file of Mahalir Neethimandram, Karur to District Court, Perambalur for the reasons stated in the affidavit.

2.The petitioner married the respondent on 06.12.2009. Due to dowry harassment, the petitioner was forced to go out of the matrimonial home and she is now living with her aged parents at Uppilliyapuram. The respondent is unemployed; but carrying on business with his father. While so the respondent/husband filed H.M.O.P.No.81 of 2014 on the file of the Family Court, Trichy, seeking Dissolution of marriage. Thereafter the petitioner filed M.C.No.19 of 2014 seeking maintenance before the Judicial Magistrate, Thuraiyur and H.M.O.P.No.382 of 2014 on the file of the Sub Court, Trichy seeking restitution of conjugal rights. She also filed M.C.No.36 of 2014 under the Protection of Women from Domestic and Violence Act, 2005, before the Sub Court, Thuraiyur. Due to circumstances above stated, the petitioner was forced to file Tr.C.M.P.No.386 of 2014 before this court seeking transfer of C.M.P.No.6757 of 2014 filed by the respondent herein to the Sub Court, Thuraiyur. As per the order passed in the said Transfer



Civil Miscellaneous petition on 15.03.2016, H.M.O.P.No.81 of 2014 was transferred to the Sub Court, Kulithalai and the same was dismissed on 27.02.2017 by the Sub Judge, Kulithalai. Aggrieved over the same, the respondent filed C.M.A.No.21 of 2017 and the same is pending on the file of the Mahalir Neethimandram, Karur. According to the petitioner, the distance between Uppiliyapuram, where the petitioner is now residing and Karur is more than 90 Kilo meters and she finds it difficult to travel for each and every hearing. Further the petitioner is having apprehension over the procedure adopted by said court at Karur. Hence the petitioner seeks transfer of C.M.A.No.21 of 2017 to the file of District Court, Perambalur.

3.On the other hand, opposing the petition, the learned counsel for the respondent contends that the Jurisdictional court is only at Karur and if the Appeal is transferred to Perambalur, he will be put to hardship as he will have to travel regularly to Perambalur which is far away from his place. Hence he opposes the prayer.

4.However, today, both counsel agreed before this court for transfer of C.M.A.No.21 of 2017 to from Karur to Dindigul District. In view of the reasons stated by the petitioner and the other circumstances and in view of the consent given by both the counsel, this court is inclined to entertain this petition.

5.In the result, this petition is allowed. C.M.A.No.21 of 2017 pending on the file of the Mahalir Neethimandram, Karur is transferred to the Principal District Court, Dindigul for disposal. The said Court is directed to dispose the C.M.A.No.21 of 2017 within a period of three months from the date of receipt of the records from the Mahalir Neethimandram, Karur. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The Judge, Mahalir Neethimandram, Karur.
- 2.The Principal District Judge, Dindigul.

+1cc to Mr.V.SITHARANJANDAS,Advocate,SR. 83771

+1cc to Mr.T.SENTHILKUMAR,Advocate,SR. 83782

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