



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2017

CORAM:

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THE HONOURABLE Mr.JUSTICE S.BASKARAN

Tr.C.M.P. (MD) .No.377 of 2017

and

C.M.P. (MD) No.7657 of 2017

P.Maha Lakshmi

.. Petitioner

Vs.

M.Bala Murugan @ Bala

.. Respondent

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw H.M.O.P.No.575/2016 pending on the file of the Family Court, Madurai District and to transfer the same case to Sub Court, Theni for further proceedings.

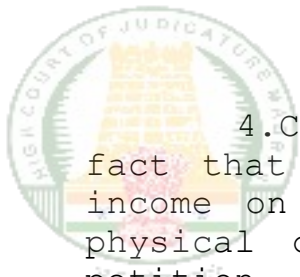
For Petitioner : M/s.C.Arockia Selvi
For Respondent : No Appearance

O R D E R

The petitioner has come forward with this petition seeking to transfer H.M.O.P.No.575 of 2016 from the file of Family Court, Madurai to the Sub Court, Theni.

2.The petitioner states that she got married to the respondent on 07.07.2011 and started their matrimonial life with respondent in joint family at Madurai. Subsequently, due to physical torture by the respondent and his family members, she was forced to go out from the matrimonial home and she is now residing with her parents with her 2 ½ years old child. While so, the respondent issued a legal notice, dated 14.12.2015 and thereafter, filed H.M.O.P.No.575/2016 seeking divorce. The petitioner further states that her child is suffering from physical disability and she is unemployed and depending on her parents for their survival. Hence, she finds it difficult to travel from Theni to Madurai. Therefore, she seeks transfer the case.

3.Inspite of notice being served, the respondent neither appeared in person nor through counsel.



4. Considering the reasons stated by the petitioner and the fact that the petitioner is unemployed and having no source of income on her own and also take care of 2 ½ years child with physical disability, this Court is inclined to entertain this petition. Point is answered accordingly.

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5. In the result, this petition is allowed. H.M.O.P.No.575 of 2016 pending on the file of the Family Court, Madurai, is directed to be transferred to the file of the Sub Court, Theni, for disposal. The Transferee Court is directed to expedite the trial and to dispose of H.M.O.P.No.575/2016 as early as possible. Consequently, connected Civil Miscellaneous petition is closed.

sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

TM
To

1. The Judge, Family Court, Madurai.

2. The Subordinate Judge, Theni.

+1cc to M/s.C.Arockia Selvi, Advocate in SR.No.92181

GJM/GT/SAR-2-5.1.18-2p-4c

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