



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Tr CMP (MD) No.110 of 2018
and
C.M.P (MD) No.2438 of 2018

Ilavarasi .. Petitioner/Respondent
vs.
S.Gobi .. Respondent/Complainant

Prayer: This Petition is filed under Section 24 of the Code of Civil Procedure, praying this Court to withdraw the H.M.O.P.No.105 of 2017, on the file of the Sub Court, Sivakasi and transfer the same to the Sub Court, Tenkasi, Tirunelveli District.

For Petitioner : Mr.P.Muthusamy
For Respondent : Mr.D.Senthil
for Mr.N.Anandakumar

ORDER

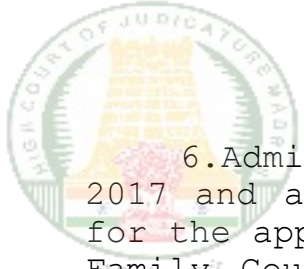
This application has been filed seeking transfer of H.M.O.P.No.105 of 2017, on the file of the Sub Court, Sivakasi to Sub Court, Tenkasi, Tirunelveli District.

2.The petitioner is the wife and the respondent in H.M.O.P.No.105 of 2017 on the file of the Sub Court, Sivakasi seeking transfer the aforesaid case from the file of the Sub Court, Sivakasi to Sub Court, Tenkasi on the ground that she is residing at Tenkasi and she is regularly appearing before the Sub Court, Sivakasi and the respondent has not appeared before the Court regularly and he is working at Coimbatore. She is finding it very difficult to travel such a long distance from Tankasi to Sivakasi.

3.Now, the petitioner/wife filed this petition to transfer the aforesaid H.M.O.P.No.105 of 2017 filed by the respondent/Husband before the Sub Court, Sivakasi to the Sub Court, Tenkasi.

4.Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

5.Since the transfer sought for by the petitioner only on the ground that she would have travelled from Tenkasi to Sivakasi and also stated that the respondent has not appeared before the Court below regularly.



6. Admittedly, H.M.O.P.No.105 of 2017 has been filed in the year 2017 and apart from this, in the Sub Court, there is no necessity for the appearance of the parties and counsel can be engaged and the Family Court alone the party should be appeared. Therefore, this Transfer Civil Miscellaneous Petition is dismissed and the learned Sub Judge, Sivakasi is directed to dispose the case in H.M.O.P.No.105 of 2017 on day-to-day basis without giving any adjournments to either parties, within a period of two months from the date of receipt of a copy of this order and both parties are directed to give their fullest co-operation.

7. The appearance of the petitioner/wife before the court below is dispensed with, except her appearance for giving evidence before the said Court. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Judge,
Sivakasi.

2. The Sub Judge,
Tenkasi.

+1cc to M/S.N.Anandakumar, Advocate SR.No. 60589

Tr CMP (MD) No.110 of 2018
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am

JM/SV MMS/SAR 1/18.04.2018/2P/4C