

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.No.192 of 2019
and
C.M.P.No.5926 of 2019

Parameshwari

... Petitioner

Vs.

B.Rameshkumar

... Respondent

PRAYER: Transfer Civil Miscellaneous petitions filed under Section 24 of the Civil Procedure Code, praying to withdraw the H.M.O.P.No.71 of 2014 pending on the file of the Family Court, Madurai and transfer the same to the file of Principal Subordinate Court, Tiruppur.

For Petitioner : Mr.I.Abrar Md. Abdullah

For Respondent : Mr.R.Subramanian

O R D E R

This petition is filed by the petitioner seeking to withdraw the H.M.O.P.No.71 of 2014 pending on the file of the Family Court, Madurai and transfer the same to the file of Principal Subordinate Court, Tiruppur.

2. The petitioner is the wife. The respondent / husband filed a petition for divorce before Family Court, Madurai. The petitioner finds it difficult to travel from Tiruppur to Madurai for every hearing. Therefore, he seeks transfer of the case from Madurai to Tiruppur.

3. The learned counsel for the respondent submits that the respondent / husband is examined as P.W.1. At this stage, the transfer is sought for by the petitioner with an ulterior motive to protract the proceedings. Therefore, the transfer petition cannot be entertained.

4. On seeing the facts of the case, it is inferred that objection of the respondent is only on the protraction of

proceedings. If a direction is given to complete the proceedings within a specific time limit, he has no objection for conducting the case at Tiruppur.

5. Considering the submissions, H.M.O.P.No.71 of 2014 pending on the file of Family Court, Madurai is transferred to Sub Court, Tiruppur, with a direction to Sub Court, Tiruppur to continue the Trial from the stage where it stands and complete the same within a period of three months from the date of receipt of bundles.

6. With the above directions, the transfer Civil Miscellaneous Petition is ordered. Consequently, connected civil miscellaneous petition is closed.

bkn

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judge, Family Court,
Madurai.
2. The Subordinate Judge,
Sub Court, Tiruppur.

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