



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.136 of 2019

and

C.M.P(MD) No.3006 of 2019

Nithya ... Petitioner/Respondent

Vs.

Sundaraperumal ... Respondent/Petitioner

PRAYER:- Petition filed under Section 24 and Order 52 of Civil Procedure Code, to withdraw H.M.O.P.No.41 of 2019 on the file of the Subordinate Judge, Palani, Dindigul District and transfer the same to Subordinate Judge, Paramakudi, Ramanathapuram District.

For Petitioner : Mr.A.Arputharaj

For Respondent : No appearance

ORDER

The above Transfer Civil Miscellaneous Petition has been filed by the wife seeking to transfer H.M.O.P.No.41 of 2019 filed by the respondent/husband herein on the file of the Sub Court, Palani, Dindigul District.

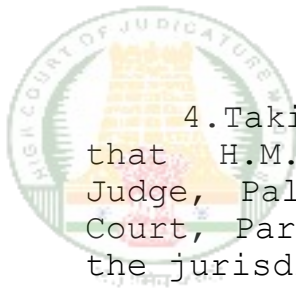
2.Though the notice has been served on the respondent and his name has been printed in the cause list, none appeared on behalf of the respondent.

3.The reasons for seeking the transfer are as follows:-

(i) The petitioner and her minor child are under the care and protection of her parents.

(ii) The respondent has not been giving any maintenance to her or her minor child.

(iii) The travel from Paramakudi to Palani would result in difficulty not only to her, but also to her parents, who are already saddled with the burden of taking care of her and her child. Therefore, the travel would be an additional financial burden on them.



4.Taking into account the above fact, this Court is of the view that H.M.O.P.No.41 of 2019 pending on the file of the Subordinate Judge, Palani, Dindigul District is to be transferred to the Sub Court, Paramakudi, Ramanathapuram, which Court has also vested with the jurisdiction to try the HMOP.

5.In the result, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.41 of 2019 is ordered to be withdrawn and transferred from the file of the Sub Court, Palani, Dindigul District, to the file of Sub Court, Paramakudi, Ramanathapuram District. The learned Subordinate Judge, Palani, Dindigul District, is directed to transmit the entire records in H.M.O.P.No.41 of 2019 to the Sub Court, Paramakudi, Ramanathapuram District and the learned Subordinate Judge, Paramakudi, Ramanathapuram District, is directed to dispose of the same on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

cp

To

1.The Subordinate Judge, Palani, Dindigul District.

2.The Subordinate Judge, Paramakudi,
Ramanathapuram District.

Tr.C.M.P. (MD)No.136 of 2019

and

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JM/25.10.2019/2P/3C