



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T. ASHA

WEB COPY

TR.C.M.P. (MD)No.163 of 2019
and C.M.P (MD)No.3684 of 2019

B.Sudarvizhi

... Petitioner/Respondent

Vs.

S.Malairaj

...Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw the case in H.M.O.P.No.55 of 2019 on the file of the Family Court, Trichy and transfer the same to the file fo the Sub Court, Sivakasi.

For Petitioner : Mrs.S.Prabha
For Respondent : No appearance

J U D G M E N T

This Transfer Civil Miscellaneous Petition is filed by the wife seeking to transfer H.M.O.P.No.55 of 2019 filed by the respondent/husband before the Family Court at Trichy to the file of the Subordinate Court, Sivakasi.

2. The respondent has been served and his name has been printed in the cause list. However, none appears on his behalf. This Transfer Civil Miscellaneous Petition is taken up for hearing.

3. A reading of the affidavit filed in support of this petition itself evident that the petitioner is now residing in her parental house at Virudhuangar District and the husband is not maintaining her. H.M.O.P.55 of 2019 filed by the husband is pending before the Family Court, Trichy, which means that the petitioner has to travel to Trichy for every hearing.

4. Taking into account of the facts that the husband has not chosen to maintain the wife, though the proceedings are pending before the Family Court, Trichy, the Sub Court, Sivakasi would also have jurisdiction to try H.M.O.P, the petitioner/wife is residing in Virudhunagar and no prejudice would be caused to the husband if the case is transferred to the Sub Court, Sivakasi, where the presence of the parties is not required and suffice the counsel had entered on their behalf, I am inclined to allow this petition.

5. The following directions are issued:

- i) The learned Judge, Family Court, Trichy, is directed to transmit the entire records in H.M.O.P.No.55 of 2019



to the file of the Subordinate Judge, Sivakasi, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Subordinate Judge, Sivakasi, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.55 of 2019 as expeditiously as possible in accordance with law.

6. In the result, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

CM

To,

- 1.The Judge,Family Court, Trichy.
- 2.The Subordinate Judge, Sivakasi.

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