



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.183 of 2019

and C.M.P (MD)No.4240 of 2019

Maheshwari

... Petitioner/Respondent

Vs.

Manikandan

...Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to transfer H.M.O.P.No.156 of 2018 from the file of the Sub Court, Uthamapalayam to the file of the Sub Court, Sankarankovil.

For Petitioner	: Mr.K.P.Sankarakumarakuruparan
For Respondent	: No appearance

J U D G M E N T

This Transfer Civil Miscellaneous Petition is filed at the behest of the respondent/wife in H.M.O.P.No.156 of 2018 on the file of the Sub Court, Uthamapalayam.

2. This Transfer Civil Miscellaneous Petition is filed for the following reasons:

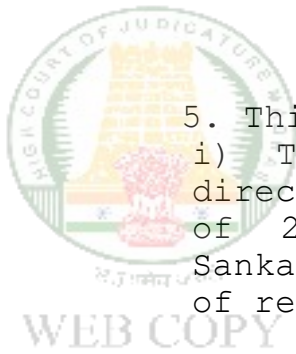
a)the petitioner is residing at Sankarankovil, where she has already initiated proceedings under the Domestic Violence Act before the Judicial Magistrate, Sankarankovil.

b)The husband has entered appearance in the proceedings and is appearing before the Judicial Magistrate, Sankarankovil.

c) The petitioner cannot travel all the way to Uthamapalayam to defend the proceedings.

3. The respondent has been served and he has not chosen to appear either in person or through pleader and the Court has proceeded to take up the matter.

4. The reasons given in the present petition appears to be valid. Considering the fact that the husband is already attending the proceedings before the Judicial Magistrate, Sankarankovil interest of justice would be sub-served if H.M.O.P.No.156 of 2018 pending on the file of the Sub Court, Uthamapalayam is transferred to the file of the Sub Court at Sankarankovil.



5. This Court is inclined to issue the following directions:

i) The learned Subordinate Judge, Uthamapalayam, is directed to transmit the entire records in H.M.O.P.No.156 of 2018 to the file of the Subordinate Judge, Sankarankovil, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Subordinate Judge, Sankarankovil, after obtaining the records on transfer, is directed to dispose of H.M.O.P.No.156 of 2018 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(Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

CM

To,

1.The Subordinate Judge,Sankarankovil.

2.The Subordinate Judge, Uthamapalayam.

+1 CC to M/s.K.P.SANKARAKUMARA KURUPARAN, Advocate (SR-88917[F]
dated 24/09/2019)

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JM/14.10.2019/2P/4C