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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

CORAM:

THE HONOURABLE MRS. JUSTICE S. KANNAMMAL

Tr.C.M.P.No.191 of 2021
and
C.M.P.No.5662 of 2021

K.Pechiammal

... Petitioner

Versus

S.Marimuthu

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.415 of 2021 pending on the file of the Family Court No.VII, Chennai and transfer the same to the Principal Sub-Court, Tenkasi.

For Petitioner : M/s. V. Revathi

For Respondent : Mr. R. Muthukumar

ORDER

[The Case has been heard through video conference]

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.415 of 2021 pending on the file of the Family Court No.VII, Chennai and transfer the same to the Principal Sub-Court, Tenkasi.

2.The respondent/husband has filed H.M.O.P.No.415 of 2021 before the Family Court No.VII, Chennai, for divorce.



3.The learned counsel for the petitioner/wife submitted that the petitioner is having a child aged about 2 years and she is residing with her aged parents at Tenkasi. Moreover, she is depending on her aged and sick parents and the petitioner being a lady, it is very difficult for her to travel from Tenkasi to Chennai for attending the Court on every hearing. Therefore, she seeks to transfer the case from Chennai to Tenkasi.

4.The learned counsel for the respondent/husband has strongly opposed to transfer the case from the Family Court No.VII, Chennai to the file of the Principal Sub-Court, Tenkasi.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.Considering the facts and circumstances of the case and the submissions made by both the counsel, this Court is inclined to transfer the case to the file of the Principal Sub-Court, Tenkasi.

7.Accordingly, H.M.O.P.No.415 of 2021 is withdrawn from the file of the Family Court No.VII, Chennai and transferred to the file of the Principal Sub-Court, Tenkasi, for disposal as per law. The Family Court No.VII, Chennai, is directed to transmit the papers to the file of the Principal Sub-Court, Tenkasi within a period of six weeks from the date of receipt of a copy of this order. The learned Principal Sub-Judge, Tenkasi is directed to dispose of the case in H.M.O.P.No.415 of 2021 on merits and in accordance with law as expeditiously as possible.

8.In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

gbi



To:

1. The Judge,
Family Court No.VII,
Chennai.
2. The Principal Sub-Judge,
Tenkasi.

Tr.C.M.P.No.191 of 2021
and
C.M.P.No.5662 of 2021

PA(CO)
SU(06/10/2021)