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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.180 of 2021
and
C.M.P.No.5410 of 2021

[Through video conferencing]

M.Nandhini @ Megala ... Petitioner/Respondent
-vs-
V.Mukunthan ... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.36 of 2020 pending on the file of the Subordinate Judge, Gudiyattam, Vellore District and to transfer the same to the Subordinate Judge, Tirupattur, Tirupattur District by allowing this Transfer Petition.

For Petitioner : Mr.Udayakumar
For M/s. Karan and Uday
For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer of the case in H.M.O.P.No.36 of 2020 from the file of the Subordinate Judge, Gudiyatham, Vellore District and to transfer the same to the Subordinate Judge at Tirupattur.

2.The respondent/husband has filed H.M.O.P.No.36 of 2020 before the Subordinate Judge at Gudiyattam, Vellore District for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having a female child aged about 4 years and she is residing with her aged parents at Tirupattur. The distance between the Sub Court, Gudiyatham and Tirupattur is around 70 kms. He would further submit that M.C.No.32 of 2020 is pending before the Judicial Magistrate No.I at Tirupattur and if the petitioner attends the Court hearing at Tirupattur, there would be life threat at the hands of the respondent. Moreover, the petitioner has no source of income and she is depending on



her aged father and in this circumstances, it is very difficult for the petitioner to travel from Tirupattur to Gudiyatham for attending the Court on every hearings in H.M.O.P.No.36 of 2020. Therefore, she seeks to transfer the case from Gudiyatham to Tirupattur.

4.The learned counsel for the respondent/husband has strongly opposed to transfer the case. However, he submitted that if this Court feels to transfer the case, the same may be transferred to any center place.

5.Considering the submissions made by both the counsels, this Court transfer the case to the file of Subordinate Court at Tirupattur.

6. Accordingly, H.M.O.P.No.36 of 2020 is withdrawn from the Subordinate Judge at Gudiyatham, Vellore District and transferred to the file of the Subordinate Judge at Tirupattur, for disposal as per law. The Judge, Subordinate Court at Gudiyatham, is directed to transmit the papers to the file of the learned Subordinate Judge at Tirupattur, forthwith. The learned Subordinate Judge at Tirupattur, is directed to dispose of the case in H.M.O.P.No.36 of 2020 on merits and in accordance with law as expeditiously as possible.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Subordinate Judge, Gudiyatham, Vellore District.
2. The Subordinate Judge, Tirupattur.

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CP(CO)
ASK(19/08/2021)