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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

TR.C.M.P.NO.408 OF 2021

AND

C.M.P.NO.9782 OF 2021

[THROUGH VIDEO CONFERENCING]

M.Muthulakshmi

... Petitioner

-versus-

M.Iyyamperumal

... Respondent

Prayer:

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer H.M.O.P.No.13 of 2020 on the file of the Subordinate Judge, Palladam and to transfer the same to the V Additional Family Court, Chennai.

For Petitioner : M/s. B. S. Ajeetha

For Respondent : Mr. S.Sathish Kumar

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer H.M.O.P.No.13 of 2020 on the file of the Subordinate Judge, Palladam and to transfer the same to the V Additional Family Court, Chennai.

2.The respondent/husband has filed H.M.O.P.No.13 of 2020 before the Subordinate Judge at Palladam for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having a male child aged about 3 1/2 years and she is residing with her aged parents at Chennai. The distance between the Subordinate Court at Palladam and Chennai



is around 490 kms. He would further submit that M.C.No.476 of 2018 is pending before the V Additional Family Court, Chennai and if the petitioner attends the Court hearing at Palladam, 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 Chennai to Palladam Taluk, Tiruppur for attending the Court on every hearings in H.M.O.P.No.13 of 2020. Therefore, she seeks to transfer the case from Palladam to Chennai.

4.The learned counsel for the respondent submitted that the respondent has no objection in transferring the case in H.M.O.P.No.13 of 2020, pending on the file of the Subordinate Court, Palladam to the V Additional Family Court, Chennai.

5.Considering the submissions made by both the counsels, this Court transfer the case to the file of V Additional Family Court, Chennai.

6. Accordingly, H.M.O.P.No.13 of 2020 is withdrawn from the Subordinate Judge at Palladam and transferred to the file of the V Additional Family Court, Chennai, for disposal as per law. The Judge, Subordinate Court at Palladam, is directed to transmit the papers to the file of the learned Judge, V Additional Family Court, Chennai, forthwith. The learned Judge, V Additional Family Court, Chennai, is directed to dispose of the case in H.M.O.P.No.13 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

//True Copy//

Sub Assistant Registrar

gbi

To:

1. The Judge,
Subordinate Court, Palladam.



2. The Judge,
V Additional Family Court, Chennai.

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+1cc to Mr.J.Saravanavel, Advocate, S.R.No.51785

+1cc to Mr.S.Sathish Kumar, Advocate, S.R.No.52659

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and C.M.P.No.9782 of 2021

CP (CO)
PM/01/11/2021