

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.489 of 2020
and
C.M.P.No.13572 of 2020

Nandhini

...Petitioner

vs.

1.Saravanan

2.The Sub Registrar,
Thirukuvalai,
Nagapattinam Taluk,
Nagapattinam District.

3.The District Collector,
Nagapattinam District,
Nagapattinam.

... Respondents

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code to withdraw the O.S.No.122/2016 pending on the file of District Munsif Court, Nagapattinam and transfer the same to the District Munsif Court, Mannargudi.

For Petitioner : Mr.B.Jawahar

For Respondent : R1 - No appearance

R2 - Mr.T.M.Pappiah

Special Government Pleader

R3 - Mr.S.Jeganathan

Government Advocate

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O R D E R

The petition for transfer is filed to transfer O.S.No.122/2016 from the District Munsif Court, Nagapattinam to the District Munsif Court, Mannargudi.

2. The petitioner states that the second respondent had issued marriage certificate as if the marriage was solemnized on 11.04.2016 at Chellamuthu Mariamman Temple. However, the petitioner denied the marriage and filed a suit in O.S.No.122 of 2016 on the file of the District Munsif Court at Nagapattinam for declaration to declare that the alleged marriage solemnized between the petitioner and the 1st respondent is null and void. The petitioner states that she is residing in her native village, which is 16 Kms away from Mannargudi. The Court at Nagapattinam is nearly about 70 Kms away from her village, she has to go two buses and travel nearly about 2 ½ hours to reach the Court and again she has to travel another 2 ½ hours. The respondent is continuously threatening the petitioner, while appearing in Court. Thus, the petitioner could not able to effectively conduct the suit at Nagapattinam. The suit is pending before the District Munsif Court, Nagapattinam for more than 4 years and the same causes mental agony to the petitioner. Contrarily, Mannargudi is only 25 Kms away from her village and she can contest the case effectively.

3. In view of the fact that the suit is to declare the marriage null and void and the 1st respondent claims that he married the petitioner, it is preferable to transfer the case at the choice of the petitioner, so as to contest the case effectively by the petitioner and the respondent.

4. In view of the facts and circumstances, the O.S.No.122 of 2016 pending on the file of the District Munsif Court, Nagapattinam stands transferred to the District Munsif Court, Mannargudi.

5. Accordingly, this Transfer Civil Miscellaneous Petition No.489 of 2020 stands allowed and O.S.No.122 of 2016 pending on the file of the District Munsif Court, Nagapattinam is directed

to be transferred to the District Munsif Court, Mannargudi, Thiruvarur District. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

Kak
To

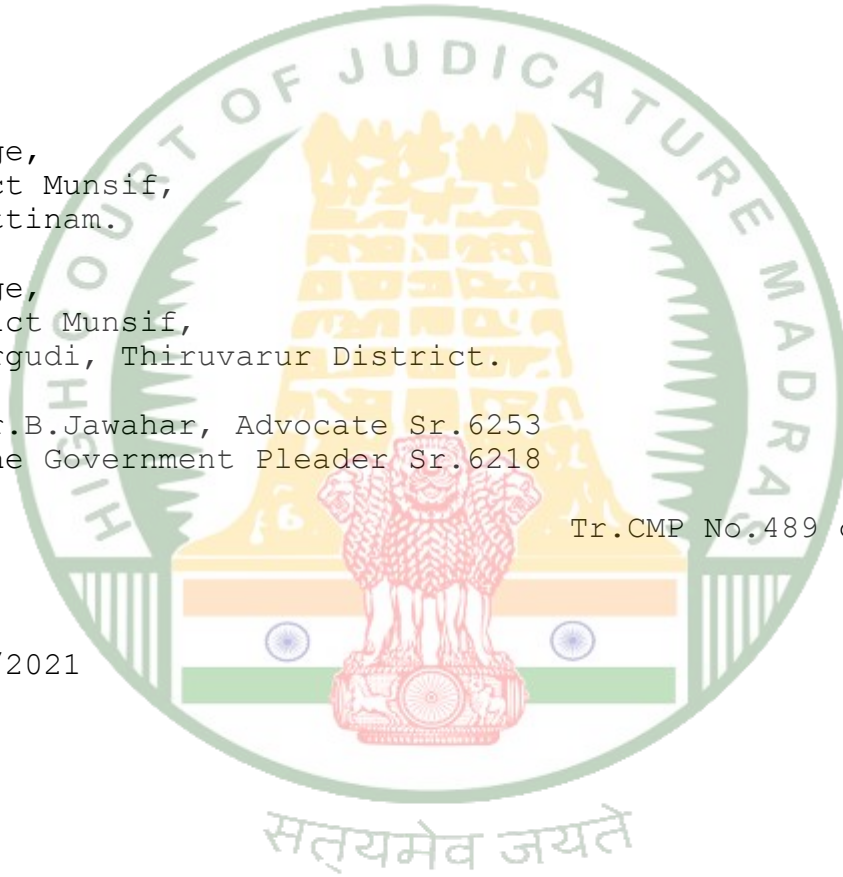
1.The Judge,
District Munsif,
Nagapattinam.

2.The Judge,
District Munsif,
Mannargudi, Thiruvarur District.

+1cc to Mr.B.Jawahar, Advocate Sr.6253
+1cc to the Government Pleader Sr.6218

Tr.CMP No.489 of 2020

sr I[co]
srg 10/03/2021



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