



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P.(MD) No. 36 of 2021
and C.M.P(MD)No.706 of 2021

Nivetha ... Petitioner/Respondent

-Vs-

Dineshkumar ... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw the case in H.M.O.P.No.49 of 2020 on the file of the Sub Court, Nagapattinam and transfer the same to the file of the Family Court, Dindigul for disposal of the on merits in accordance with law.

For Petitioner : Mr.R.Gandhi
For Respondent : Mr.Malaiyendran

O R D E R

Wife seeks transfer of H.M.O.P.No.49 of 2020 pending on the file of the Sub Court, Nagapattinam to the file of the Family Court, Dindigul. Transfer is sought for solely on the ground of convenience of the wife, who is a resident of Dindigul.

2. The learned counsel for the respondent/husband would submit that he has no objection for transfer of the proceedings to Dindigul. Further he would submit that the proceedings may be transferred to Sub Court so that the respondent need not appear for every hearing. The inconvenience caused to him would be largely reduced. The court has to consider convenience of both the parties while ordering transfer.

3. The husband is a resident of Nagapattinam and if the matter is transferred to Dindigul that too to the Family Court, the respondent/husband will be put to considerable hardship as he would be required to appear for every hearing and that hardship may also be counterproductive and any possible settlement would also be defeated.

4. Taking note of the abovesaid facts, H.M.O.P No.49 of 2020 on the file of the Sub Court, Nagapattinam is withdrawn and transferred to the file of the Principal Sub Court, Dindigul, for disposal in accordance with law.



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

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Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

To:

1.The Subordinate Judge, Nagapattinam

2.The Principal Subordinate Judge, Dindigul

+1 CC to M/s.R.GANDHI, Advocate (SR-12829[F] dated 22/03/2021)

Order in

Tr.C.M.P. (MD) No. 36 of 2021
and C.M.P (MD) No.706 of 2021

22.03.2021

CN(06.05.2021) 2P 4C