



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.26 of 2021

and

C.M.P. (MD) No.469 of 2021

WEB COPY

M.K.Nallaselli

... Petitioner/Respondent

-vs-

G.Prasanna

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the case in H.M.O.P.No.1 of 2020 on the file of Subordinate Judge, Pattukkottai, Thanjavur District to the Subordinate Judge at Vellore, Vellore District.

For Petitioner : Mr.M.Prasanna Rajadurai
For M/s.Muthalraj
For Respondent : Mr.D.R.Murugesan

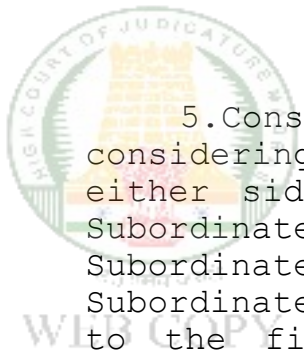
O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in H.M.O.P.No.1 of 2020 on the file of Subordinate Judge, Pattukkottai, Thanjavur District to the Subordinate Judge at Vellore, Vellore District.

2.The respondent/husband has filed H.M.O.P.No.1 of 2020 before the Subordinate Court, Pattukkottai, Thanjavur District for divorce.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing at Vellore and also working there. The distance between Vellore and Pattukkottai is nearly 400 kms. Since the respondent and his family members are in sound position, there would be life threat at the hands of the respondent. In such situation, it is difficult for the petitioner to attend Court hearings in H.M.O.P.No.1 of 2020. Hence, he seeks to transfer the case to the file of subordinate Court, Vellore and a direction may be given to the Court below to dispose of the case within the stipulated period.

4.The learned counsel for the respondent/husband submitted that the petitioner's native place is Trichy and her family members are also living in Trichy only and presently, she is working in Vellore District. Therefore, he has strongly opposed to transfer the case to Vellore. However, if this Court feels to transfer the case, the same may be transferred to Trichy.



5.Considering the facts and circumstances of the case and considering the submission made by the learned counsel appearing on either side, H.M.O.P.No.1 of 2020 is withdrawn from the file of Subordinate Court, Pattukkottai and transfer to the file of Subordinate Court, Vellore, for disposal as per law. The learned Subordinate Judge, Pattukkottai, is directed to transmit the papers to the file of the Subordinate Court, Vellore, forthwith. The learned Subordinate Judge, Vellore, is directed to dispose of the proceedings in H.M.O.P.No.1 of 2020 on merits and in accordance with law as expeditiously as possible.

6.The personal appearance of both parties before the Subordinate Court, Vellore, is dispensed with, except the dates of hearing, on which, the learned Judge insisted upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the court.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1.The Subordinate Judge, Pattukkottai, Thanjavur District

2.The Subordinate Judge, Vellore.

+1 CC to M/s.NA. PALANIYANDI, Advocate (SR-23824[F] dated 26/07/2021)

Tr.C.M.P. (MD) No.26 of 2021

and

C.M.P. (MD) No.469 of 2021

22.07.2021

LS (CO)

KB(30.07.2021) 2P 4C