



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.25 of 2020

and

C.M.P(MD) No.492 of 2020

S.Karthika ... Petitioner /Respondent
-Vs-

S.Karthik ... Respondent /Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the divorce petition along with grant leave petition in I.A.No.780 of 2019 in H.M.O.P.No.SR.5596 of 2019, on the file of the Family Court III, Chennai and transfer the same to the Sub Court, Devakottai, Sivagangai District.

For Petitioner : Mr.C.K.M.Appaji
For Respondent : Mr.E.Maharajan

O R D E R

The wife seeks transfer of H.M.O.P.No.767 of 2020, pending on the file of the III Additional Family Court, Chennai to the file of the Sub Court, Devakottai.

2.Transfer is sought for solely on the ground of convenience. The fact that the wife is a resident of Devakottai is admitted. Though the original transfer petition was filed seeking transfer of I.A.No.780 of 2019 in H.M.O.P.S.R.No.955 of 2019, which is pending for permission to waive the cooling off period, it is now stated that the said IA has been allowed and the original petition is numbered in H.M.O.P.No.767 of 2020.

3.Considering the convenience of the wife and the fact that the proceedings in the Family Court requires the presence of the wife for every hearing, I am of the opinion that the transfer of the proceedings to Sub Court, Devakottai will be ideal to conduct the proceedings by both the parties. The difficulty that caused to the husband can also be reduced a lot, since he need not appear in person for every hearing before the Sub Court, as in the case of the Family Court.



4. In view of the above, H.M.O.P.No.767 of 2020 is withdrawn from the file of the III Additional Family Court, Chennai and transferred to the Sub Court, Devakottai, to be tried in accordance with law. The III Additional Family Court, Chennai is directed to transmit the papers to the Sub Court, Devakottai forthwith.

5. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The III Additional Family Court, Chennai.
- 2.The Sub Court, Devakottai.
- 3.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai(2 Copies).

Order made in
Tr.C.M.P(MD)No.25 of 2020
and
C.M.P(MD) No.492 of 2020
09.03.2021

nsm(CO)
TR(22.04.2021) 2P 5C