



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.59 of 2021

and

CMP (MD) .No.1153 of 2021

WEB COPY

N.Rathika ... Petitioner

-vs-

S.Manikandan ... Respondent

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.421 of 2020 on the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.C.M.Arumugam

For Respondent : Mr.S.Manikandan

Party-in- Person

O R D E R

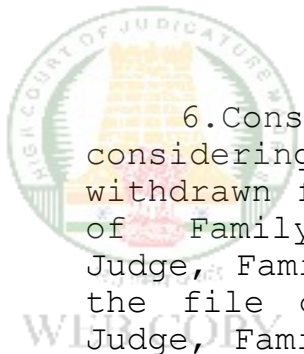
The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.421 of 2020 on the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Madurai.

2.The respondent/husband has filed HMOP.No.421 of 2020 before the Family Court, Trichy for dissolution of marriage.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing at Madurai along with her 1 ½ years old baby and she has no source of income and her parents are aged persons suffering with ailments, therefore, they cannot afford to take a travel to Trichy to accompany with the petitioner to attend the Court proceedings on every date of hearings. In such circumstances, it is difficult for the petitioner to travel from Madurai to Trichy for attending the Court hearing in HMOP.No.421 of 2020. Hence, she seeks to transfer the case to the file of Family Court, Madurai.

4. The respondent, who is appeared in person has submitted that now he is working in Chennai. If this Court transfers the case to Madurai, he could not able to travel from Chennai to Madurai for attending Court hearings. Therefore, he strongly opposed to transfer the case.

5. Though the respondent has strongly opposed to transfer the case, he has not filed any counter affidavit.



6.Considering the facts and circumstances of the case and considering the arguments made by both sides, HMOP.No.421 of 2020 is withdrawn from the Family Court, Trichy and transferred to the file of Family Court, Madurai, for disposal as per law. The learned Judge, Family Court, Trichy, is directed to transmit the papers to the file of the Family Court, Madurai, forthwith. The learned Judge, Family Court, Madurai, is directed to dispose HMOP.No.421 of 2020 on merits and in accordance with law as expeditiously as possible.

7.The personal appearance of both parties before the Family Court, Madurai, 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.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1.The Judge, Family Court, Trichy

2.The Judge, Family Court, Madurai,

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-22017[F] dated 12/07/2021)

Tr.C.M.P. (MD) No.59 of 2021 and
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DKS (CO)

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