



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.43 of 2021

and

C.M.P. (MD) No.944 of 2021

B.Nagalakshmi

... Petitioner/Respondent

-vs-

S.Balamurugan

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in FCOP No.18 of 2021 on the file of the Family Court, Erode and transfer the same to Sub Court, Srivilliputhur for disposal.

For Petitioner : Mr.M.Karthikeyan

For Respondent : No appearance

O R D E R

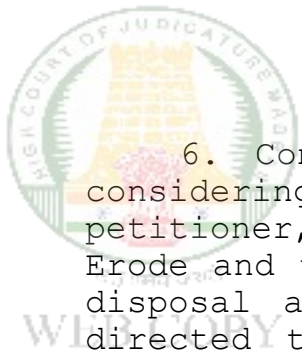
The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in FCOP No.18 of 2021 on the file of the Family Court, Erode and transfer the same to Sub Court, Srivilliputhur for disposal.

2.The respondent/husband has filed FCOP No.18 of 2021 before the Family Court, Erode, for dissolution of marriage.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing with her aged parents at Rajapalayam and she is depending on her parents for her day today needs and she has no source of income. The distance between Rajapalayam and Erode is more than 280 kms. Moreover, the petitioner apprehends threat at the hands of the respondent. In this circumstance, it is difficult for the petitioner to travel from Rajapalayam to Erode for attending the Court hearing in FCOP No.18 of 2021. Hence, he prays to transfer the case to Srivilliputhur.

4.Though the name of the respondent is printed in the cause list and the substituted service is effected, the respondent has not chosen to appear either in person or through counsel.

5.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition.



6. Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, FCOP No.18 of 2021 is withdrawn from the Family Court, Erode and transferred to the file of Sub Court, Srivilliputhur, for disposal as per law. The learned Judge, Family Court, Erode, is directed to transmit the papers to the file of the Sub Court, Srivilliputhur, forthwith. The learned Subordinate Judge, Srivilliputhur, is directed to dispose of the proceedings in FCOP No.18 of 2021 on merits and in accordance with law as expeditiously as possible.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

To:

1. The Judge, Family Court, Erode.

2. The Subordinate Judge, Srivilliputhur.

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RD(3.08.2021) 2P 3C