



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.50 of 2021

and

C.M.P. (MD)No.1019 of 2021

S.Kavitha

... Petitioner/Respondent

-vs-

S.Murugesan

... 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.713 of 2013 on the file of the Family Court, Madurai and transfer it to the Family Court, Dindigul.

For Petitioner : Mr.J.Lawrance

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.713 of 2013 on the file of the Family Court, Madurai and transfer it to the Family Court, Dindigul.

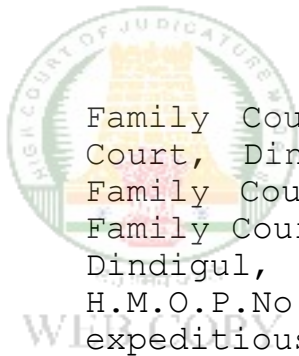
2.The respondent/ husband has filed H.M.O.P.No.713 of 2013 before the Family Court, Madurai, for dissolution of marriage.

3.The learned counsel for the petitioner/wife submitted that the petitioner, who is aged about 50 years, is residing at Dindigul and she is suffering from knee pain and diabetic and other health ailments. The respondent is a retired Army person and now, he is working at Thirumangalam and therefore, it is not difficult for the respondent to attend the Court hearings at Dindigul. Moreover, the distance between Dindigul and Madurai is nearly 80 kms. In such circumstances, it is difficult for the petitioner to attend the Court hearing in HMOP.No.713 of 2013 on the file of the Family Court, Madurai. Therefore, he seeks to transfer the case in H.M.O.P.No.713 of 2013 to the file of Family Court, Dindigul.

4.Though the name of the respondent is printed in the cause list, the respondent has not chosen to appear either in person or through counsel duly instructed.

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the case and also considering the submissions made by the learned counsel for the petitioner, H.M.O.P.No.713 of 2013 is withdrawn from the file of the



Family Court, Madurai and transferred to the file of the Family Court, Dindigul, for disposal as per law. The learned Judge, Family Court, Madurai, is directed to transmit the papers to the Family Court, Dindigul, forthwith. The learned Judge, Family Court, Dindigul, is directed to dispose of the proceedings in H.M.O.P.No.713 of 2013 on merits and in accordance with law as expeditiously as possible.

7.The personal appearance of both parties before the Family Court, Dindigul, 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 (ADIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:-

1. The Judge, Family Court, Madurai.

2.The Judge, Family Court, Dindigul.

+1 CC to M/s.J. LAWRANCE, Advocate (SR-23245[F] dated 20/07/2021)

Tr.C.M.P.(MD) No.50 of 2021
and

C.M.P.(MD)No.1019 of 2021
19.07.2021

KM(CO)

KB(27.07.2021) 2P 4C