



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.81 of 2021

and

C.M.P. (MD) No.1545 of 2021

WEB COPY

Mrs.Karthika

... Petitioner/Respondent

-vs-

Raja @ Mahendra Raja

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.114 of 2020 on the file of Subordinate Court, Sivakasi which is transferred to Subordinate Court, Sattur and renumbered as H.M.O.P.No.19 of 2020 and transfer the same to the file of Subordinate Court, Sankarankovil to be tried along with H.M.O.P.No.76 of 2020.

For Petitioner : Mr.R.J.Karthick

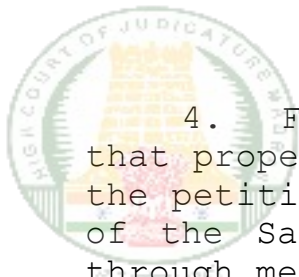
For Respondent : Mr.M.Solaisamy

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.19 of 2020 on the file of the Subordinate Court, Sattur and transfer the same to the file of Subordinate Court, Sankarankovil to be tried along with H.M.O.P.No.76 of 2020.

2.H.M.O.P.No.19 of 2020 was filed by the respondent/husband before the Subordinate Court, Sattur for restitution of conjugal rights. H.M.O.P.No.76 of 2020 was filed by the petitioner/wife for dissolution of marriage before the Subordinate Court, Sankarankoil. It is further submitted that the petitioner is having a child and she is depending on her grand parents. In such circumstances, the petitioner could not able to travel from Sankarankovil to Sattur for attending every hearing in H.M.O.P.No.19 of 2020.The petitioner seeks transfer of H.M.O.P.No.19 of 2020 to the file of the Subordinate Court, Sankarankoil, to be tried along with H.M.O.P.No.76 of 2020.

3. Transfer of the case to the file of Sankarankoil Court is concerned, the learned counsel for the respondent has objected since there would be life threat to the respondent. The learned counsel for the respondent submits that if this Court feels to transfer the case, the same may be transferred to the file of Kovilpatti or Sivakasi.



4. Further, the learned counsel for the respondent submits that property issue is also to be settled. The learned counsel for the petitioner submits that if the case is transferred to the file of the Sankarankoil Court, the property issue would be solved through mediation.

5. This Court has considered the submissions made on either side.

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

7. Considering the facts and circumstances of the case and also considering the submissions made by both counsel, H.M.O.P.No.19 of 2020 is withdrawn from the file of the Subordinate Court, Sattur and transferred to the file of the Subordinate Court, Sankarankoil for disposal as per law. The Subordinate Judge, Sattur is directed to transmit the papers to the Subordinate Court, Sankarankoil. forthwith. The Subordinate Judge, Sankarankoil is directed to refer the matter to the mediation and on receiving the report of mediation, H.M.O.P.No.19 of 2020 shall be disposed of along with H.M.O.P.No.76 of 2020 on merits and in accordance with law as expeditiously as possible.

8. This petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

CM/msa

To:

1. The Subordinate Judge
Sankarankovil.
2. The Subordinate Judge
Sattur.

Order made in
Tr.C.M.P. (MD) No.81 of 2021
and
C.M.P. (MD) No.1545 of 2021
20.04.2021

VB (30/04/2021) 2P / 3C