



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.87 of 2021
and C.M.P. (MD) No.1816 of 2021

Mrs.G.Vijayalakshmi @ Vinitha

... Petitioner

-VS-

B.Aarthi Raja

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in H.M.O.P.No.17 of 2020 on the file of the Family Court Judge, Karur and to transfer the same to the file of Family Court Judge at Namakkal.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.N.Shanmugaselvam

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the proceedings in H.M.O.P.No.17 of 2020 on the file of the Family Court Judge, Karur and to transfer the same to the file of Family Court Judge at Namakkal.

2.The learned counsel for the petitioner/wife submits that the respondent/husband has filed H.M.O.P.No.17 of 2020 before the Family Court Karur for divorce. The petitioner is residing in her parental home at Namakkal. Since the respondent and his family members are powerful persons, there would be life threat to the petitioner. In such circumstances, the petitioner could not able to travel from Namakkal to Karur for attending every hearing in H.M.O.P.No.17 of 2020 on the file of the Family Court, Karur. Therefore, he seeks to transfer H.M.O.P.No.17 of 2020 to the file of Family Court, Namakkal.

3.Per contra, the learned counsel for the respondent submitted that the distance between Karur to Namakkal is nearly 50 kms and the petitioner can easily travel to reach the Court and therefore, he has strongly objected for transferring the case.



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

5. Considering the facts and circumstances of the case and considering the submission made both sides, H.M.O.P.No.17 of 2020 is withdrawn from the Family Court, Karur and transferred to the file of Family Court, Namakkal, for disposal as per law. The Judge, Family Court, Karur, is directed to transmit the papers to the file of the Family Court, Namakkal, forthwith. The Judge, Family Court, Namakkal, is directed to dispose H.M.O.P.No.17 of 2020 on merits and in accordance with law as expeditiously as possible.

6.The personal appearance of the parties before the Family Court, Namakkal is dispensed with, except on the dates of hearing, on which, the learned Judge insists upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the court.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1.The Judge, Family Court, Karur

2.The Judge, Family Court, Namakkal

Copy to:

The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-19882[F] dated 22/06/2021)

+1 CC to M/s.N.SHANMUGASELVAM, Advocate (SR-20114[F] dated 24/06/2021)

Order made in

Tr.C.M.P. (MD) No.87 of 2021
and C.M.P. (MD)No.1816 of 2021

Dated:

22.06.2021

CN (29.06.2021) 2P 6C

<https://hcservices.ecourts.gov.in/hcservices/>