



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.124 of 2021

and C.M.P (MD)No.2416 of 2021

WEB COPY

M.Gayathri

... Petitioner/Petitioner/Respondent
-vs-

P.Muthusamy @ Rajesh

... Respondent/Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceedings in GWOP.No.117 of 2019 on the file of the District Judge, Tiruppur and to transfer to the file of the Principal District Judge, Srivilliputhur.

For Petitioner : Mr.P.Praveen Kumar
For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the proceedings in GWOP.No.117 of 2019 on the file of the District Judge, Tiruppur and to transfer to the file of the Principal District Judge, Srivilliputhur.

2.The respondent has filed H.M.O.P.No.350 of 2017 before the Subordinate Court, Tiruppur for divorce and also filed GWOP.No.117 of 2019 before the District Judge, Tiruppur for taking custody of twin babies.

3. The learned counsel for the petitioner/wife submitted that the petitioner has to take care of her 5 years old children and she is living with her age old mother and she has nobody to assist in her day to day life. The distance between Sivakasi to Tiruppur is about 237 kms. In this circumstance, it is difficult for the petitioner to travel from Sivaksi to Tiruppur for attending every hearing in GWOP.No.117 of 2019. Hence, the petitioner prays for transfer of GWOP.No.117 of 2019 from the file of the District Court, Tiruppur to the file of the Principal District Court, Srivilliputhur, Virudhunagar District.

4. Today, when the matter is taken up for hearing, there is no representation on behalf of the respondent either in person or through his counsel.

5. This Court considered the arguments made by the learned counsel for the petitioner.



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of the case and considering the submission made by the learned counsel for the petitioner, G.W.O.P.No.117 of 2019 is withdrawn from the file of District Court, Tiruppur and transferred to the file of Principal District Court, Srivilliputhur, Virudhunagar District for disposal as per law. The District Judge, Tiruppur, is directed to transmit the papers to the file of the Principal District Court, Srivilliputhur, Virudhunagar District forthwith. The Principal District Judge, Srivilliputhur, is directed to dispose G.W.O.P.No.117 of 2019 on merits and in accordance with law as expeditiously as possible.

8. In fine, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/CM

To:

1. The District Judge, Tiruppur.

2. The Principal District Judge,
Srivilliputhur, Virudhunagar District.

+1 CC to M/s.M.RAJA RAVIVARMA, Advocate (SR-18339[F] dated 03/05/2021)

Order made in

Tr.C.M.P. (MD) No.124 of 2021
and C.M.P (MD) No.2416 of 2021

Dated:

29.04.2021

CN(18.05.2021) 2P 4C