



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.109 of 2021

and

C.M.P. (MD) No.2256 of 2021

Anbukarasi ... Petitioner/Respondent/Wife

-vs-

S.Kumar ... Respondent/Petitioner/Husband

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of C.P.C of the Code of Civil Procedure, to withdraw the case on the file of the Family Court, Trichirappalli in H.M.O.P.No.65 of 2016 and transfer the same to the Family court, Madurai.

For Petitioner : Mr.S.Saravanakumar

For Respondent : No appearance

O R D E R

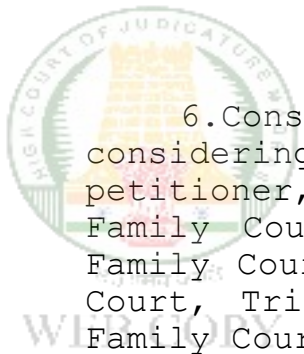
The present Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Family Court, Trichirappalli in H.M.O.P.No.65 of 2016 and transfer the same to the Family Court, Madurai.

2.The respondent/ husband has filed H.M.O.P.No.65 of 2016 before the Family Court, Trichirappalli, for divorce.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing at Madurai with her parents and she has no source of income except depending on her parents. Furthermore, the petitioner is suffering from Rheumatic Arthritis and also kidney problem. The distance between Madurai to Trichirappalli is about 140 km. In such circumstances, it is very difficult to travel from Madurai to Trichirappalli, for attending every hearing in H.M.O.P.No.65 of 2016.

4.Though the substituted service was effected and name of the respondent was also printed in the cause list, 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the case and also considering the submissions made by the learned counsel for the petitioner, H.M.O.P.No.65 of 2016 is withdrawn from the file of the Family Court, Trichirappalli and transferred to the file of the Family Court, Madurai for disposal as per law. The Judge, Family Court, Trichirappalli, is directed to transmit the papers to the Family Court, Madurai, forthwith. The Judge, Family Court, Madurai, is directed to dispose of the proceedings in H.M.O.P.No.65 of 2016 on merits and in accordance with law as expeditiously as possible.

7. The personal appearance of the parties before the Family Court, Madurai, 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 (CS I)

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/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1. The Judge, Family Court, Trichirappalli.

2. The Judge, Family Court, Madurai.

Tr.C.M.P. (MD) No.109 of 2021

and

C.M.P. (MD) No.2256 of 2021

Dated:

30.07.2021

MGJ(06.08.2021) 2P 3C