



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.94 of 2020

and

C.M.P. (MD)No.1972 of 2020

J.Kalaiselvi

... Petitioner/Respondent

-vs-

G.Sri Muthuvel Ayyanar

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in HMOP.No.168 of 2019 on the file of the Sub Court, Dindigul and transfer to the Family Court, Trichy.

For Petitioner : Mr.N.Anandakumar

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in HMOP.No.168 of 2019 on the file of the Sub Court, Dindigul and transfer to the Family Court, Trichy.

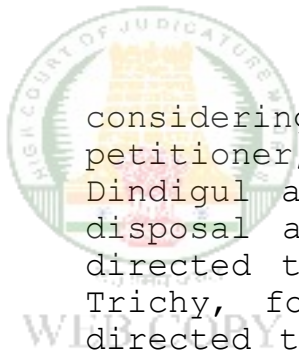
2.The respondent/husband has filed HMOP.No.168 of 2019 before the Sub Court, Dindigul, for restitution of conjugal rights.

3. The learned counsel for the petitioner/wife submitted that the petitioner is having three years old child and she is residing with her aged parents at Trichy. The distance between Trichy and Dindigul is more than 112 kms. Moreover, the petitioner apprehends threat at the hands of the respondent. In this circumstance, it is difficult for the petitioner to travel from Trichy to Dindigul for attending the Court hearing in HMOP.No.168 of 2019. Hence, he prays to transfer the case to Trichy.

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



considering the submission made by the learned counsel for the petitioner, HMOP.No.168 of 2019 is withdrawn from the Sub Court, Dindigul and transferred to the file of Family Court, Trichy for disposal as per law. The learned Subordinate Judge, Dindigul, is directed to transmit the papers to the file of the Family Court, Trichy, forthwith. The learned Judge, Family Court, Trichy, is directed to dispose of the proceedings in HMOP.No.168 of 2019 on merits and in accordance with law as expeditiously as possible.

7.The personal appearance of both parties before the Family Court, Trichy is dispensed with, except on the dates of hearing, when 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.

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 Subordinate Judge, Dindigul.
- 2.The Judge, Family Court, Trichy.

Tr.C.M.P. (MD) No.94 of 2020

and

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