



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.159 of 2021

and

C.M.P. (MD) No.3087 of 2021

K.R.Sathya Praba

... Petitioner/Respondent

-vs-

M.Alagappan @ Subbramanian

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.766 of 2019 on the file of Family Court, Madurai and transfer the same to the file of Family Court, Sivagangai.

For Petitioner : Mr.PR.Boomee Rajan

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.766 of 2019 on the file of Family Court, Madurai and transfer the same to the file of Family Court, Sivagangai.

2.The respondent/husband has filed H.M.O.P.No.766 of 2019 before the Family Court, Madurai, for divorce.

3. The learned counsel for the petitioner/wife submitted that the petitioner is living with her mother's house at Kottikadu Village, Thirupathur Taluk, Sivagangai District and she has no income and she is depending on her mother for daily needs. Moreover, the distance between Kottikadu Village, Sivagangai District to Madurai is nearly 90 kms. In this circumstance, it is difficult for the petitioner to travel from Kottikadu Village to Madurai for attending the Court hearing in H.M.O.P.No.766 of 2019. Hence, he prays to transfer the case to Sivagangai.

4.Though the name of the respondent is printed in the cause list and the substituted service is effected, 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of the case and considering the submission made by the learned counsel for the petitioner, H.M.O.P.No.766 of 2019 is withdrawn from the file of Family Court, Madurai and transfer to the file of Family Court, Sivagangai, for disposal as per law. The learned Judge, Family Court, Madurai, is directed to transmit the papers to the file of the Family Court, Sivagangai, forthwith. The learned Judge, Family Court, Sivagangai, is directed to dispose of the proceedings in H.M.O.P.No.766 of 2019 on merits and in accordance with law as expeditiously as possible.

7.The personal appearance of both parties before the Family Court, Sivagangai, 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-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

1.The Judge, Family Court, Madurai

2.The Judge, Family Court, Sivagangai.

+1 CC to M/s.PR. BOOMEE RAJAN, Advocate(SR-23397[F]dated 22/07/2021)

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