



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.108 of 2020

and

C.M.P (MD) No.2165 of 2020

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M.Kalaivani

...Petitioner/Respondent

-VS-

M.Ganesan

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.804 of 2017 on the file of the Family Court, Madurai and to transfer the same to the file of the Sub Court, Tambaram, for trial.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.S.Balaji

O R D E R

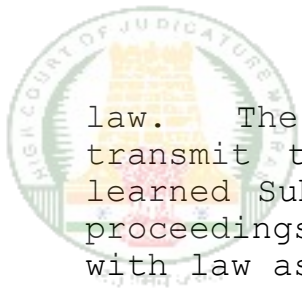
The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.804 of 2017 on the file of the Family Court, Madurai and to transfer the same to the file of the Sub Court, Tambaram, for trial.

2.The respondent/husband has filed H.M.O.P.No.804 of 2017 before the Family Court, Madurai, for divorce.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing at Solinganallur, Chennai and she is having school going children. Since the petitioner is working in a private concern at Chennai, getting leave is very difficult for her. Moreover, the distance between Chennai and Madurai is nearly 460 kms and no one is there to accompany with her. In these circumstances, it is difficult for the petitioner to attend the Court hearing in H.M.O.P.No.804 of 2017. Hence, he seeks to transfer the case to the file of Sub Court, Tambaram.

4. The learned counsel appearing for the respondent has strongly opposed to transfer the case.

5. Considering the facts and circumstances of the case and considering the arguments made by both sides, H.M.O.P. No.804 of 2017 pending on the file of Family Court, Madurai, is withdrawn and transferred to the file of Sub Court, Tambaram, for disposal as per



law. The learned Judge, Family Court, Madurai, is directed to transmit the papers to the Sub Court, Tambaram, forthwith. The learned Subordinate Judge, Tambaram, is directed to dispose of the proceedings in H.M.O.P.No.804 of 2017 on merits and in accordance with law as expeditiously as possible.

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6.The personal appearance of both parties before the Sub Court, Tambaram, 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.

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

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

- 1.The Judge, Family Court, Madurai.
- 2.The Subordinate Judge, Tambaram.

Tr.C.M.P. (MD) No.108 of 2020

and

C.M.P (MD) No.2165 of 2020

20.07.2021

KMV (CO)

LR (30.07.2021) 2P 3C