



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.102 of 2021

and C.M.P. (MD) No.2160 of 2021

Prabha

... Petitioner/Respondent

-VS-

Rama Krishnan

... 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.22 of 2021 on the file of the Family Court, Tirunelveli and transfer the same to the file of the Subordinate Court, Kulithalai.

For Petitioner : Mr.RM.Sivakumar

For Respondent : Mr.I.Velpradeep

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.22 of 2021 on the file of the Family Court, Tirunelveli and transfer the same to the Subordinate Court, Kulithalai.

2.The respondent/husband has filed before Family Court, Tirunelveli for restitution of conjugal rights.

3. The learned counsel for the petitioner/wife submitted that the petitioner is living with her young child without having any income and the petitioner has filed D.V.No. 9 of 2020 before the Judicial Magistrate No.II, Kulithalai and the distance Kulithalai and Tirunelveli is about 312 kms. In such circumstances, it is very difficult to travel from Kulithalai to Tirunelveli for attending every hearing in H.M.O.P.No.22 of 2021 on the file of the Family Court, Tirunelveli

4. The learned counsel for the respondent has no objection for allowing this petition.

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of the case and considering the submission made by the learned counsel for the petitioner, H.M.O.P.No.22 of 2021 is withdrawn from the file of the Family Court, Tirunelveli and transferred to the file of the Subordinate Court, Kulithalai, for disposal as per law. The Judge, Family Court, Tirunelveli, is directed to transmit the papers to the file of the Subordinate Court, Kulithalai, forthwith. The Subordinate Judge, Kulithalai, is directed to dispose H.M.O.P.No.22 of 2021 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 (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/CM

To:

1. The Judge
Family Court, Tirunelveli.

2. The Subordinate Court, Kulithalai.

+1 CC to M/s.RM.SIVAKUMAR, Advocate (SR-17310[F] dated 23/04/2021)

Order made in

Tr.C.M.P. (MD) No.102 of 2021
and C.M.P. (MD) No.2160 of 2021

Dated:

23.04.2021

GS (07.05.2021) 2P 4C