



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.06.2021**

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.115 of 2021

and C.M.P. (MD) No.2315 of 2021

M.Sujatha

... Petitioner/Respondent

-vs-

J.V.Saravanan

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP.No.2945 of 2020 on the file of the II Family Court, Chennai and transfer the same to the learned Sub Court, Virudhunagar.

For Petitioner : Mr.I.Suthakaran

For Respondent : Mr.D.Shanmugam

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP.No.2945 of 2020 on the file of the II Family Court, Chennai and transfer the same to the learned Sub Court, Virudhunagar.

2.The learned counsel for the petitioner/wife submits that the respondent/husband has filed HMOP.No.2945 of 2020 before the II Family Court, Chennai for divorce. The petitioner/wife has filed M.C.No.7 of 2020 for maintenance before the learned Judicial Magistrate No.I, Virudhunagar. It is further submitted that the petitioner is an un-employed and she is living with her parents. The distance between Chennai and Virudhunagar is about 500 kms. In such circumstances, it is difficult for the petitioner to travel from Virudhunagar to Chennai for attending every hearing in HMOP.No.2945 of 2020 on the file of the II Family Court, Chennai. Hence, he prays to transfer the case to the file of Subordinate Court, Virudhunagar.

3.The learned counsel for the respondent submitted that the petitioner can very well afford for travelling from Virudhunagar to Chennai and only with an intention to drag on the proceedings, she filed the present transfer civil miscellaneous petition. Therefore, he has strongly objected to transfer the case.

4.This Court is satisfied with the reasons assigned in the affidavit filed in support of this petition.



5.Considering the facts and circumstances of the case and also considering the submissions made on either side, HMOP.No.2945 of 2020 is withdrawn from the file of the II Family Court, Chennai and transferred to the file of the learned Sub Court, Virudhunagar for disposal as per law. The learned II Family Court Judge, Chennai is directed to transmit the papers to the Sub Court, Virudhunagar forthwith. The learned Subordinate Judge, Virudhunagar is directed to dispose H.M.O.P.No.2945 of 2020 on merits and in accordance with law, as expeditiously as possible.

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

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar(CS)

Gns
To

1. The Judge, Family Court No.II,
Chennai

2.The Subordinate Judge
Virudhunagar

+1 CC to M/s.I.SUTHAKARAN, Advocate (SR-20112[F] dated 24/06/2021)

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