



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.119 of 2021

WEB COPY

Sri Sitheswari
Petitioner/Petitioner

...

-vs-

N.Nithiyanandham

... Respondent/Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.80 of 2020 on the file of the Sub Judge, Pollachi, Coimbatore District and transfer the same to the file of the Sub Court, Dindigul.

For Petitioner : Mr.G.Gomathi Sankar

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.80 of 2020 on the file of the Sub Judge, Pollachi, Coimbatore District and transfer the same to the file of the Sub Court, Dindigul.

2.The petitioner/wife has filed H.M.O.P.No.80 of 2020 before the Sub Court, Pollachi.

3.The learned counsel for the petitioner submitted that though the petitioner is residing in Dindigul, based on a wrong advise, the petitioner has filed H.M.O.P. No. 80 of 2020 before the Sub Court, Pollachi, Coimbatore District. The learned counsel for the petitioner/wife further submitted that the petitioner is living with her parents home at Dindigul and the distance between the Dindigul to Pollachi is about 240 kms. In such circumstances, it is very difficult for her to travel from Dindigul to Pollachi for attending every hearing in H.M.O.P.No.80 of 2020 on the file of the Sub Court, Pollachi, Coimbatore District. Therefore, he seeks transfer of the said petition to the file of the Sub Court, Dindigul, Dindigul District.

4. Today, when the matter is taken up for hearing, there is no representation on behalf of the respondent either in person or through counsel.

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of the case and considering the submission made by the learned counsel for the petitioner, H.M.O.P.No.80 of 2020 is withdrawn from the Sub Court, Pollachi, Coimbatore District and transferred to the file of the Sub Court, Dindigul District for disposal as per law. The Subordinate Judge, Pollachi, Coimbatore District is directed to transmit the papers to the file of the Subordinate Judge, Dindigul, Dindigul District, forthwith. The Subordinate Judge, Dindigul, Dindigul District is directed to dispose H.M.O.P.No.80 of 2020 on merits and in accordance with law as expeditiously as possible.

8. In fine, this petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/CM

To:

1. The Subordinate Judge, Pollachi, Coimbatore District,
2. The Subordinate Judge, Dindigul District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-17814[F] dated 28/04/2021)

Order made in
Tr.C.M.P. (MD) No.119 of 2021

Dated:
28.04.2021

CN(07.05.2021) 2P 4C