



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.123 of 2021

and C.M.P (MD)No.2412 of 2021

Poornima

... Petitioner/Respondent

-vs-

Dinesh Babu

... 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.62 of 2020 on the file of the learned Sub Court, Sivakasi and transfer the same to the file of the learned Family Court, Thanjavur.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.T.C.S.Thillainayagam

O R D E R

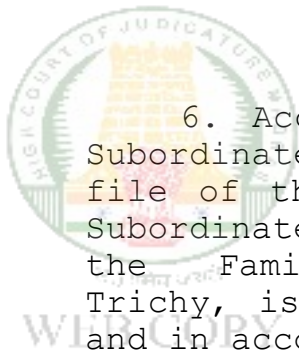
The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.62 of 2020 on the file of the learned Sub Court, Sivakasi and transfer the same to the file of the learned Family Court, Thanjavur.

2.The respondent/husband has filed H.M.O.P.No.62 of 2020 before the Subordinate Court, Sivakasi, for dissolution of marriage.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing along with her age old parent in Thanjavur. He would further submit that due to the threat of the respondent, the petitioner was not able to go to work at Sivakasi and therefore, she applied for transfer of the case from Sivakasi to Thanjavur. The distance between Sivakasi to Thanjavur is 285 kms. In such circumstances, it is difficult for the petitioner to travel from Thanjavur to Sivakasi. Hence, the petitioner prays for transfer of H.M.O.P.No.62 of 2020 from the file of the Subordinate Court, Sivakasi to the file of Family Court, Thanjavur.

4. The learned counsel appearing for the respondent submitted that as of now, the petitioner has been working in Canara Bank at Sivakasi and there is no necessity to transfer the case from Sivakasi to Thanjavur. Hence, he strongly opposes to transfer the case. If this Court feels to transfer the case, it may be transferred to Madurai.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel, this Court feels to transfer the case to the file of Family Court, Trichy.



6. Accordingly, H.M.O.P.No.62 of 2020 from the file of the Subordinate Court, Sivakasi, is withdrawn and transferred to the file of the Family Court, Trichy, for disposal as per law. The Subordinate Judge, Sivakasi, is directed to transmit the papers to the Family Court, Trichy, forthwith. The Judge, Family Court, Trichy, is directed to dispose of H.M.O.P.No.62 of 2020 on merits and in accordance with law as expeditiously as possible.

7. This Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

To:

1. The Subordinate Court, Sivakasi

2.The Judge, Family Court, Trichy.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-20111[F] dated 24/06/2021)

Tr.C.M.P. (MD) No.123 of 2021
and C.M.P (MD) No.2412 of 2021
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KB(30.06.2021) 2P 4C