



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.(MD) No.161 of 2021

and

C.M.P.(MD)No.3094 of 2021

WEB COPY

Santhiya

... Petitioner/Respondent

-vs-

Thavaseelan

... 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.39 of 2021 on the file of the Family Court, Sivagangai and transfer the same to the file of the Family Court, Ramanathapuram.

For Petitioner : Mr.C.Senthil Murugan

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.39 of 2021 on the file of the Family Court, Sivagangai and transfer the same to the file of the Family Court, Ramanathapuram.

2.The respondent/husband has filed H.M.O.P.No.39 of 2021 before the Family Court, Sivagangai, for restitution of conjugal rights.

3. The learned counsel for the petitioner/wife submitted that the petitioner is living with her parents, who are working as daily wage labours and the petitioner has completed her college studies just now only and she is depending upon her parents for day today necessities. The distance between Uchipuli and Sivagangai is nearly 120 kms. There is a possibility of life threat at the hands of the respondent and his family members. In this circumstance, it is difficult for the petitioner to travel from Uchipuli to Sivagangai for attending the Court hearing in H.M.O.P.No.39 of 2021. Hence, he prays to transfer the case to Family Court, Ramanathapuram.

4.Though the name of the respondent is printed in the cause list, the respondent has not chosen to appear either in person or through counsel duly instructed.

5.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition.



6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, H.M.O.P.No.39 of 2021 is withdrawn from the Family Court, Sivagangai and transferred to the file of Family Court, Ramanathapuram for disposal as per law. The learned Judge, Family Court, Sivagangai, is directed to transmit the papers to the file of the Family Court, Ramanathapuram, forthwith. The learned Judge, Family Court, Ramanathapuram, is directed to dispose of the proceedings in H.M.O.P.No.39 of 2021 on merits and in accordance with law as expeditiously as possible.

7.The personal appearance of both parties before the Family Court, Ramanathapuram, is dispensed with, except on the dates of hearing, when the learned Judge insists upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the court.

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

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

- 1.The Judge, Family Court, Sivagangai.
- 2.The Judge, Family Court, Ramanathapuram.

Tr.C.M.P. (MD) No.161 of 2021
and

C.M.P. (MD)No.3094 of 2021

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MGJ(23.07.2021) 2P 3C