



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.144 of 2021

and

C.M.P. (MD) No.2757 of 2021

WEB COPY

Vijayalakshmi

... Petitioner/Respondent

-vs-

Sudalaimuthu

... 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.15 of 2021 on the file of the Family Court, Thoothukudi and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.KA.Ramakrishnan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.15 of 2021 on the file of the Family Court, Thoothukudi and transfer the same to the file of the Family Court Tirunelveli.

2. The learned counsel for the petitioner submitted that the respondent/ husband has filed H.M.O.P.No.15 of 2021 before the Family Court, Thoothukudi for dissolution of marriage. The petitioner is doing tailoring work and she is under the care and protection of her age old parents. The petitioner has to travel minimum one hour to attend the Court hearing at Thoothukudi. Therefore, he prays to transfer H.M.O.P.No.15 of 2021 on the file of the Family Court, Thoothukudi to the file of Family Court, Tirunelveli.

3. Replying to this, the learned counsel for the respondent submitted that the respondent met with a road accident, in which his left hand and left leg were almost completely crushed and the disability has been assessed as 70%. In this regard, he has also produced the disability certificate. Therefore, the respondent was unable to move independently and he has to depend a person even for his day today life. The travelling time is only 40 minutes and the Court is also located before entering in Tuticorin Town and there is absolutely no hardship for the petitioner to attend the Court hearings. Therefore, the respondent has strongly objected to



transfer the case from Thoothukudi to Tirunelveli.

4. This Court considered the arguments made on either side.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel, this Transfer Civil Miscellaneous Petition is dismissed. However, the personal appearance of both parties before the Family Court, Thoothukudi, is dispensed with, except on the dates of hearing, on which, 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. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2021

Sub Assistant Registrar(CS)

To:

1.The Judge
Family Court, Thoothukudi

2.The Judge,
Family Court,
Tirunelveli.

Tr.C.M.P. (MD) No.144 of 2021
and
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