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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) Nos.147 and 237 of 2021

and

C.M.P. (MD) Nos.2921 and 4443 of 2021

Tr.C.M.P. (MD) No.147 of 2021

V.Mythili ... Petitioner/Respondent
-vs-

A.Ramasubramanian ... 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.176 of 2019 pending on the file of Sub Court, Poonamallee, Thiruvallore District and to transfer the same to the file of Family Court, at Srivilliputtur, Virudhunagar District.

For Petitioner : Mr.A.Sivaji
For Respondent : Mr.P.M.Vishnuvarthanan

Tr.C.M.P. (MD) No.237 of 2021

A.Ramasubramanian ... Petitioner/ Respondent
-vs-

1.V.Mythili

2.Minor R.Kaviathika

(Represented by her mother and guardian

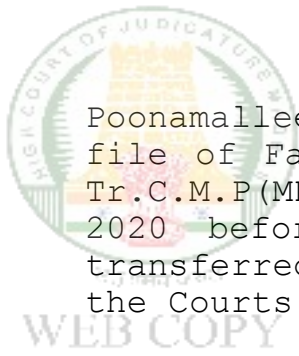
V.Mythili) ... Respondents/ Petitioners

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the M.C.No.8 of 2020 before the Family Court, Srivilliputhur and the same be transferred to any other convenient Court of nearby Districts except the Courts in Virudhunagar District.

For Petitioner : Mr.V.R.Appaswamee
For Respondents : Mr.A.Sivaji

COMMON ORDER

Tr.C.M.P (MD) No.147 of 2021 is filed to withdraw the
H.M.O.P.No.176 of 2019 pending on the file of Sub Court,
<https://hcservices.ecourts.gov.in/hcservices/>



Poonamallee, Thiruvallore District and to transfer the same to the file of Family Court, at Srivilliputtur, Virudhunagar District and Tr.C.M.P(MD) No.237 of 2021 is filed to withdraw the M.C.No.8 of 2020 before the Family Court, Srivilliputhur and the same be transferred to any other convenient Court of nearby Districts except the Courts in Virudhunagar District.

2.The respondent/husband in Tr.C.M.P(MD) No.147 of 2021 has filed H.M.O.P.No.176 of 2019 before the Principal Subordinate Judge, Poonamallee, Thiruvallur District, for dissolution of marriage and the petitioner/wife has filed M.C.No.8 of 2020 for maintenance.

3. The learned counsel for the petitioner/wife in Tr.C.M.P(MD) No.147 of 2021 submitted that the petitioner is having three years old child and she is living with her age old mother. The distance between Srivilliputhur and Poonamallee is nearly 600 kms. In this circumstance, it is difficult for the petitioner to travel from Srivilliputtur to Poonamallee for attending every hearing in H.M.O.P.No.176 of 2019. Hence, he seeks to transfer the case to Srivilliputtur.

4. The learned counsel appearing for the respondent/husband in Tr.C.M.P(MD) No.147 of 2021 submitted that the respondent is running a Fitness Centre at Adyar. Since the petitioner/wife and her family members are influential persons and they are having political background, there would be life threat to the respondent/husband. Hence, he has strongly objected to transfer the case. However, he submitted that if this Court feels to transfer the case, the same may be transferred to any centre place.

5.Considering the submissions made by both counsel, this Court transfer the case to the file of Family Court, Madurai.

6. Accordingly, H.M.O.P.No.176 of 2019 from the Sub Court, Poonamallee, Thiruvallore District and M.C.No.8 of 2020 from the Family Court, Srivilliputhur are withdrawn and transferred to the file of Family Court, Madurai, for disposal as per law. The learned Subordinate Judge, Poonamallee, Thiruvallore District and the learned Judge, Family Court, Srivilliputhur are directed to transmit the papers to the file of the Family Court, Madurai, forthwith. The learned Judge, Family Court, Madurai, is directed to club H.M.O.P.No.176 of 2019 along with M.C.No.8 of 2020 together and dispose of the same on merits and in accordance with law as expeditiously as possible.

7.The personal appearance of both parties before the Family Court, Madurai 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.



8. In fine, these Transfer Civil Miscellaneous Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar (CS)

msa/cp

To:

1.The Subordinate Judge,
Poonamallee,
Thiruvallore District.

2.The Judge, Family Court, Srivilliputhur.

3.The Judge, Family Court, Madurai.

+1 CC to M/s.A.SIVAJI, Advocate (SR-20653[F] dated 30/06/2021)

+1 CC to Mr.P.M.Vishnuvarthanan, Advocate Sr.No.20654 dated 30.06.2021

Tr.C.M.P. (MD) Nos.147 and 237 of 2021
and

C.M.P. (MD) Nos.2921 and 4443 of 2021
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KB(07.07.2021) 3P 6C