



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.153 of 2021

and

C.M.P. (MD) No.2987 of 2021

S.Ramya

... Petitioner/Respondent
-vs-

Ramesh

... 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.115 of 2019 on the file of the Sub Court, Thuraiyur, Trichy District and transfer the same to the Sub Court, Kumbakonam, Thanjavur District.

For Petitioner : Mr.G.Gomathi Sankar

For Respondent : Mr.K.Arunraj

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.115 of 2019 on the file of the Sub Court, Thuraiyur, Trichy District and transfer the same to the Sub Court, Kumbakonam, Thanjavur District.

2.The respondent has filed H.M.O.P.No.115 of 2019 before the Sub Court, Thuraiyur, Trichy District for divorce.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing along with her aged parents and she has no source of income. The petitioner had lost 60% of vision before marriage and it was very well known by the respondent herein. The Thuraiyur Court is far away from the petitioner's residence and it comes around 120 kms and therefore, she could not travel from Kumbakonam to Thuraiyur without assistance of others for attending the Court hearing in H.M.O.P.No.115 of 2019. Hence, he prays to transfer the case to Kumbakonam.

4. The learned counsel appearing for the respondent/husband would submit that the respondent is working as a Statistical Inspector in the Statistical Department at Musiri and he is also physically challenged person and he cannot walk. The respondent has also produced the disability certificate to that effect. If this Court transfers the case to Kumbakonam, it is very difficult for the respondent to attend the Court hearings. Therefore, he



strongly opposes to transfer the case. However, if the court feels to transfer the case, the same may be transferred to any other centre place.

5. Considering the submissions made on either side, this Court feels to transfer the case to the file of Family Court, Trichy.

6. Accordingly, H.M.O.P.No.115 of 2019, is withdrawn from the file of Sub Court, Thuraiyur, Trichy District and transferred to the file of Family Court, Trichy, for disposal as per law. The learned Subordinate Judge, Thuraiyur, Trichy District, is directed to transmit the papers to the file of the Family Court, Trichy, forthwith. The learned Judge, Family Court, Trichy, is directed to dispose of the case in H.M.O.P.No.115 of 2019 on merits and in accordance with law as expeditiously as possible.

7. The personal appearance of both parties before the Family Court, Trichy, 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, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

- 1.The Subordinate Judge, Thuraiyur, Trichy District.
- 2.The Judge, Family Court, Trichy.

+1 CC to M/s.G.GOMATHISANKAR, Advocate (SR-20978[F] dated 02/07/2021)

Order made in

Tr.C.M.P. (MD) No.153 of 2021

and

C.M.P. (MD) No.2987 of 2021

Dated:

02.07.2021

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