



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.156 of 2021

and

CMP (MD) .No.3022 of 2021

Sivaramya

... Petitioner/Respondent

-vs-

K.Muthukumar

.... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the H.M.O.P.No.181 of 2020 on the file of the Principal Sub Judge, Tiruchirapalli to the Court of Family Court at Kumbakonam.

For Petitioner : Mr.B.Jameelarasu

For Respondent : Mr.K.S.Vamsidhar

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the H.M.O.P.No.181 of 2020 on the file of the Principal Sub Judge, Tiruchirapalli to the Court of Family Court at Kumbakonam.

2.The respondent/husband has filed H.M.O.P.No.181 of 2020 before Principal Sub Judge, Tiruchirapalli, for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having one year old child and she has no male member to come with her for attending the case except her father and she has no source of income. The distance between Kumbakonam and Tiruchirapalli is nearly 80 kms. In such situation, it is difficult for the petitioner to attend every hearing in H.M.O.P.No.181 of 2020 before the Principal Sub Judge, Tiruchirapalli. Therefore, he seeks to transfer the case to Kumbakonam.

4.The learned counsel for the respondent submitted that since the H.M.O.P is pending before the Principal Sub Court, Trichy, the appearance of the petitioner is not necessary and the respondent is also ready to bear the travel expenses for attending the Court hearings at Trichy. However, if this Court feels to transfer the



case, the same may be transferred to Sub Court, Kumbakonam.

5. Considering the facts and circumstances of the case and considering the submission made by both counsel, H.M.O.P.No.181 of 2020 is withdrawn from the Principal Sub Court, Tiruchirapalli and transferred to the file of Sub Court, Kumbakonam, for disposal as per law. The Principal Subordinate Judge, Tiruchirapalli, is directed to transmit the papers to the file of the Sub Court, Kumbakonam, forthwith. The learned Subordinate Judge, Kumbakonam, is directed to dispose of the case in H.M.O.P.No.181 of 2020 on merits and in accordance with law as expeditiously as possible.

6. 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

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Principal Subordinate Judge, Tiruchirapalli.
2. The Subordinate Judge, Kumbakonam.

+1 CC to M/s.K.S.VAMSIDHAR, Advocate (SR-23997[F] dated 27/07/2021)

Tr.C.M.P. (MD) No.156 of 2021

and

CMP(MD) .No.3022 of 2021

Dated:

23.07.2021

MGJ(02.08.2021) 2P 4C