



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.149 of 2021

and

C.M.P. (MD) No.2963 of 2021

WEB COPY

Mareeswari

... Petitioner

-vs-

Ramar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in H.M.O.P.No.573 of 2019 on the file of the Family Court, Madurai and transfer the same to the Sub Court, Mudhukulathoor and allow the petition.

For Petitioner : Mr.S.Sivaprakash

For Respondent : Mr.S.Rajaguru

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the petition in H.M.O.P.No.573 of 2019 on the file of the Family Court, Madurai and transfer the same to the Sub Court, Mudhukulathoor and allow the petition.

2.The respondent/ husband has filed H.M.O.P.No.573 of 2019 before the Family Court, Madurai, for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having four years old child and she is residing at Kamuthi in Ramanathapuram District and she has no job. The distance between Kamuthi and Madurai is nearly 100 kms. In such circumstances, it is difficult for the petitioner to travel from Kamuthi to Madurai for attending every hearing in HMOP.No.573 of 2019 on the file of the Family Court, Madurai. Therefore, he seeks to transfer the case in H.M.O.P.No.573 of 2019 to the file of Subordinate Court, Mudhukulathoor.

4.The learned counsel appearing for the respondent/husband would submit that due to family dispute, the petitioner's family assaulted the respondent, for which, the respondent lodged the complaint against the petitioner. If the case is transferred to Mudhukulathoor, there would be life threat at the hands of the



petitioner and he has strongly objected for transferring the petition.

5. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition. In order to substantiate the respondent's contentions, no documents have been filed.

6. Considering the facts and circumstances of the case and also considering the submissions made on either side, H.M.O.P.No.573 of 2019 is withdrawn from the file of the Family Court, Madurai and transferred to the file of the Subordinate Court, Mudhukulathoor, for disposal as per law. The learned Judge, Family Court, Madurai, is directed to transmit the papers to the Subordinate Court, Mudhukulathoor, forthwith. The learned Subordinate Judge, Mudhukulathoor, is directed to dispose of the proceedings in H.M.O.P.No.573 of 2019 on merits and in accordance with law as expeditiously as possible.

7. 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, Madurai.

2. The Subordinate Judge, Mudhukulathoor.

Order made in
Tr.C.M.P. (MD) No.149 of 2021

and
C.M.P. (MD) No.2963 of 2021

Dated:
19.07.2021

RKN (28.07.2021) 2P 3C