



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.150 of 2021

and

C.M.P. (MD) No.2978 of 2021

N.Thilagavathy

... Petitioner/Respondent

-vs-

D.Muneeswaran

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.163 of 2021 from the file the Hon'ble Family Court, Madurai and transfer the same to the file of the Hon'ble Sub Court, Sivakasi, Virudhunagar District, for disposal of the same on merits in accordance with law.

For Petitioner : Mr.M.Kannan

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.163 of 2021 from the file the Hon'ble Family Court, Madurai and transfer the same to the file of the Hon'ble Sub Court, Sivakasi, Virudhunagar District, for disposal of the same on merits in accordance with law.

2.The respondent/ husband has filed H.M.O.P.No.163 of 2021 before the Family Court, Madurai, for restitution of conjugal rights.

3.The learned counsel for the petitioner submitted that the petitioner is having two children and she is working in the Horticulture Department at Sivakasi. The respondent/husband is working at Kallakurichi, which is situated about 270 kms from Madurai. Similarly, the residential address shown in the petition filed before the Trial Court is at Kadaladi, which is 110 kms from Madurai. The distance between Sivakasi and Madurai is about 80 kms. The transfer of the case will be no way prejudice to the respondent. Therefore, the petitioner seeks to transfer the case in H.M.O.P.No.163 of 2021, on the file of Family Court, Madurai, to the file of Sub Court, Sivakasi, Virudhunagar District.



4.Though the name of the respondent is printed in the cause list, the respondent has not chosen to appear either in person or through counsel duly instructed.

5.This Court considered the arguments made by the learned counsel for the petitioner.

6.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition.

7.Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, H.M.O.P.No.163 of 2021 is withdrawn from the file of the Family Court, Madurai and transferred to the file of the Sub Court, Sivakasi, Virudhunagar District, for disposal as per law. The learned Judge, Family Court, Madurai, is directed to transmit the papers to the Sub Court, Sivakasi, Virudhunagar District, forthwith. The learned Subordinate Judge, Sivakasi, Virudhunagar District, is directed to dispose H.M.O.P.No.163 of 2021 on merits and in accordance with law as expeditiously as possible.

8. In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1. The Judge, Family Court, Madurai.

2. The Subordinate Judge,
Sivakasi, Virudhunagar District.

+1 CC to M/s.M.KANNAN, Advocate (SR-19844[F] dated 22/06/2021)

Order made in
Tr.C.M.P. (MD) No.150 of 2021
and
C.M.P. (MD) No.2978 of 2021

Dated:
18.06.2021