



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.158 of 2021 and

CMP (MD) .No.3059 of 2021

WEB COPY

Durga

... Petitioner/Respondent

-vs-

Vignesh @ Vikram

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.198 of 2021 on the file of the Family Court, Madurai District and transfer the same to the file of Family Court, Sivagangai.

For Petitioner : Ms.A.Banumathy

For Respondent : Mr.R.M.Makesh Kumaravel

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.198 of 2021 on the file of the Family Court, Madurai District and transfer the same to the file of Family Court, Sivagangai.

2.The respondent/husband has filed H.M.O.P.No.198 of 2021 before Family Court, Madurai, for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having 3 ½ years old child and she is depending on her parents for day today necessities. The distance between Sivagangai and Madurai is nearly 100 kms. In such situation, it is difficult for the petitioner to attend every hearing in H.M.O.P.No.198 of 2021 before the Family Court, Madurai. Therefore, he seeks to transfer the case to Sivagangai.

4.The learned counsel for the respondent has no objection for allowing the petition. However, he would submit that the personal appearance of the party may be dispensed with.

5.Considering the facts and circumstances of the case and considering the submission made by both counsel, H.M.O.P.No.198 of 2021 is withdrawn from the Family Court, Madurai and transferred to the file of Family Court, Sivagangai, for disposal as per law. The Judge, Family Court, Madurai, is directed to transmit the papers to the file of the Family Court, Sivagangai, forthwith. The Judge, Family Court, Sivagangai, is directed to dispose of the case in H.M.O.P.No.198 of 2021 on merits and in accordance with law as



expeditiously as possible.

6.The personal appearance of both parties before the Family Court, Sivagangai, is dispensed with, except the dates of hearing, on which, the learned Judge insisted upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the court.

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

Sd/-

Assistant Registrar (AD-II)

// 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 Judge, Family Court, Madurai
2. The Judge, Family Court, Sivagangai.

+1 CC to M/s.R.M.MAHESH KUMARAVEL, Advocate (SR-21827[F] dated 09/07/2021)

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(CO)

LR (15.07.2021) 2P 4C