



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.195 of 2021

WEB COPY

S.Nithya

... Petitioner/Respondent

-vs-

M.Sudhakaran

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw HMOP.No.78 of 2020 on the file of Subordinate Court, Melur, Madurai District and transfer the same to Family Court, Madurai District.

For Petitioner : Mr.S.Moorthy

For Respondent : Mr.S.Suresh Kumar Isaac Paul

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw HMOP.No.78 of 2020 on the file of Subordinate Court, Melur, Madurai District and transfer the same to Family Court, Madurai District.

2.The respondent/husband has filed HMOP.No.78 of 2020 before the Subordinate Court, Melur, Madurai for dissolution of marriage.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing at Madurai and she is having two child. Since the petitioner's parents had passed away, she is living under the custody of her sister. In such circumstances, it is difficult for the petitioner to travel from Madurai to Melur for attending the Court hearing in H.M.O.P.No.78 of 2020. Hence, he seeks to transfer the case to the file of Family Court, Madurai.

4. The learned counsel appearing for the respondent has strongly opposed to transfer the case.

5. Considering the facts and circumstances of the case and considering the arguments made by both sides, H.MO.P.No.78 of 2020 is withdrawn from the Subordinate Court, Melur, Madurai Distirct and transferred to the file of Family Court, Madurai, for disposal as per law. The learned Subordinate Judge, Melur, Madurai Distirct, is directed to transmit the papers to the file of the Family Court, Madurai, forthwith. The learned Judge, Family Court, Madurai, is directed to dispose H.M.O.P.No.78 of 2020 on merits and in accordance with law as expeditiously as possible.

6.The personal appearance of both parties before the Family
<https://hcservices.ecourts.gov.in/hcservices/>



Court, Madurai 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 (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

- 1.The Subordinate Court, Melur, Madurai Distirct.
- 2.The Family Court, Madurai.

+1 CC to M/s.S.SURESH KUMAR ISAAC PAUL, Advocate (SR-21576[F] dated 07/07/2021)

Order made in

Tr.C.M.P. (MD) No.195 of 2021

Dated:

06.07.2021

KK(13.07.2021) 2P 4C