



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.160 of 2021

and

C.M.P. (MD)No.3089 of 2021

WEB COPY

1.V.Devimeenakshi

2.Minor. Avirnav

... Petitioners

-VS-

K.Vijayaraghavan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.237 of 2019 pending before the learned Sub Judge, Theni to be tried along with M.C.58 of 2020 pending on the file of learned Family Judge, Madurai.

For Petitioners : Mr.S.Jegadeesh

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.237 of 2019 pending before the learned Sub Judge, Theni to be tried along with M.C.58 of 2020 pending on the file of learned Family Judge, Madurai.

2.The respondent/ husband has filed H.M.O.P.No.237 of 2019 before the Sub Court, Theni, for divorce. The first petitioner/wife has filed M.C.No.58 of 2020 before the Family Court, Madurai, for maintenance.

3. The learned counsel for the petitioners submitted that the first petitioner is having 1 ½ years child and she is residing in her parental home along with her father, who is aged about 80 years. The distance between Madurai to Theni is nearly 80 kms. In such circumstances, it is difficult for the first petitioner to travel along with her child, to attend the hearings in H.M.O.P.No.237 of 2019, on the file of Sub Court, Theni. Therefore, he prays to transfer H.M.O.P.No.237 of 2019, to the file of Family Court Madurai, to be tried along with M.C.No.58 of 2020.

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case and also considering the submissions made by the learned counsel for the petitioners, H.M.O.P.No.237 of 2019 is withdrawn from the file of the Sub Court, Theni and transferred to the file of the Family Court, Madurai to be tried along with M.C.No.58 of 2020 for disposal as per law. The Subordinate Judge, Theni, is directed to transmit the papers to the Family Court, Madurai, forthwith. The Judge, Family Court, Madurai, is directed to dispose H.M.O.P.No.237 of 2019 along with M.C.No.58 of 2020 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

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:-

1. The Subordinate Judge, Theni.
- 2.The Judge, Family Court, Madurai.

Order made in
Tr.C.M.P. (MD) No.160 of 2021
and
C.M.P. (MD)No.3089 of 2021

Dated:
22.06.2021

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