



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.165 of 2021

and

CMP (MD) .No.3160 of 2021

Sedha @ Seetha

.... Petitioner

-vs-

L.Saravanan

.... 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.1745 of 2019 on the file of the Principal Family Court, Coimbatore and transfer to Sub Court, Sankarankovil.

For Petitioner : Mr.A.R.Kannappan

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.1745 of 2019 on the file of the Principal Family Court, Coimbatore and transfer to Sub Court, Sankarankovil.

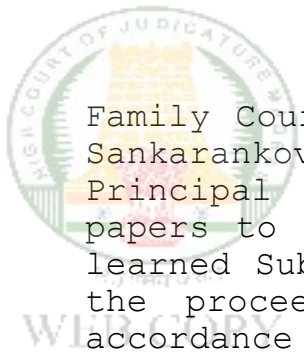
2.The respondent/husband has filed H.M.O.P.No.1745 of 2019 before the Principal Family Court, Coimbatore, for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her parent at Thevarkulam, Sankarankovil North and she has no source of income and she is not having any male assistance to attend the Court at Coimbatore. The distance between Sankarankovil and Coimbatore is more than 320 kms. In such circumstances, it is difficult for the petitioner to attend the hearing in H.M.O.P.No.1745 of 2019 before the Principal Family Court, Coimbatore. Therefore, he seeks to transfer the case to Sankarankovil.

4.Though the substituted service was effected and name of the respondent was also printed in the cause list, the respondent has not chosen to appear either in person or through counsel.

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

6.Considering the facts and circumstances of the case and considering the submission made by learned counsel for the petitioner, H.M.O.P.No.1745 of 2019 is withdrawn from the Principal



Family Court, Coimbatore and transferred to the file of Sub Court, Sankarankovil, for disposal as per law. The learned Judge, Principal Family Court, Coimbatore, is directed to transmit the papers to the file of the Sub Court, Sankarankovil, forthwith. The learned Subordinate Judge, Sankarankovil, is directed to dispose of the proceedings in H.M.O.P.No.1745 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 II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

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,
Principal Family Court, Coimbatore.
2. The Subordinate Judge, Sankarankovil.

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RC (04.08.2021) 2P-3C