



WEB COPY

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.177 of 2021

and

C.M.P. (MD)No.3366 of 2021

Mariammal

... Petitioner

-vs-

Moorthy

... 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.49 of 2020 on the file of the Sub Court, Vallioor and transfer it to the Family Court, Tirunelveli.

For Petitioner : Mr.T.Selvan

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.49 of 2020 on the file of the Sub Court, Vallioor and transfer it to the Family Court, Tirunelveli.

2.The respondent/ husband has filed H.M.O.P.No.49 of 2020 before the Sub Court, Vallioor, for divorce.

3.The learned counsel for the petitioner submitted that the petitioner is residing with her parental home at Melapalayam. The petitioner is not having any income and she entirely depends on her parents. Moreover, the petitioner's parent is a coolie worker. Due to financial crisis, the petitioner is not able to travel from Tirunelveli to Vallioor to attend the case hearings. Therefore, he seeks to transfer the case in H.M.O.P.No.49 of 2020 to the file of Family Court, Tirunelveli.

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the case and also considering the submissions made by the learned counsel for the petitioner, H.M.O.P.No.49 of 2020 is withdrawn from the file of the Sub Court, Vallioor and transferred to the file of the Family Court, Tirunelveli, for disposal as per law. The learned Subordinate Judge, Vallioor, is directed to transmit the papers to the Family Court, Tirunelveli, forthwith. The learned Judge, Family Court, Tirunelveli, is directed to dispose of H.M.O.P.No.49 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(P & A)

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/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:-

1. The Subordinate Judge, Vallioor.

2. The Judge, Family Court, Tirunelveli.

Copy to

The Registrar (Judicial),

Madurai Bench of Madras High Court, Madurai.

Order made in

Tr.C.M.P. (MD) No.177 of 2021

and

C.M.P. (MD) No.3366 of 2021

Dated: 22.06.2021

ma (CO)

TR(29.06.2021) 2P 4C