



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED :02.07.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN**

**Tr.C.M.P. (MD) No.172 of 2021**  
**and C.M.P. (MD) No.3302 of 2021**

V.Vijila

... Petitioner/Respondent

-vs-

M.Umanath

... 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.179 of 2018 from the file of the Subordinate Court, Melur, Madurai District and transfer the same to the file of the Subordinate Court, Kumbakonam.

For Petitioner : Mr.C.Suresh Kannan  
For Respondent : Mr.S.Jothimani

**O R D E R**

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.179 of 2018 from the file of the Subordinate Court, Melur, Madurai District and transfer the same to the file of the Subordinate Court, Kumbakonam.

2.The respondent has filed H.M.O.P.No.179 of 2018 before the Subordinate Court, Melur, Madurai District, for divorce.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing with her age old parents at Thiruvaiyathukkudi Village, Thanjavur District and she is depending on her parents for her day to day livelihood. The distance between Thiruvaiyathukkudi Village to Madurai is nearly 300 kms. In this circumstance, it is difficult for the petitioner to travel from Thiruvaiyathukkudi Village to Madurai, for attending the Court hearing in H.M.O.P.No.179 of 2018. Hence, he prays to transfer the case to Kumbakonam.

4.The learned counsel appearing for the respondent has strongly objected for transferring the petition. However, if the court feels to transfer the case, the same may be transferred to any other centre place.



5. Considering the submissions made on either side, this Court feels to transfer the case to the file of Family Court, Thanjavur.

6. Accordingly, H.M.O.P.No.179 of 2018 is withdrawn from the file of Subordinate Court, Melur, Madurai District and transferred to the file of Family Court, Thanjavur, for disposal as per law. The learned Subordinate Judge, Melur, Madurai District, is directed to transmit the papers to the file of the Family Court, Thanjavur, forthwith. The learned Judge, Family Court, Thanjavur, is directed to dispose of the case in H.M.O.P.No.179 of 2018 on merits and in accordance with law as expeditiously as possible.

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

8. In fine, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

- 1.The Subordinate Judge, Melur, Madurai District.
- 2.The Judge, Family Court, Thanjavur.

+1 CC to M/s.S.JOTHIMANI, Advocate ( SR-20977[F] dated 02/07/2021 )

Order made in

**Tr.C.M.P. (MD) No.172 of 2021**  
**and C.M.P. (MD)No.3302 of 2021**

Dated: 02.07.2021

SSS(CO)

TR(12.07.2021) 2P 4C