



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.185 of 2021

and

C.M.P. (MD) No.3526 of 2021

WEB COPY

Nandhini ... Petitioner/Respondent
-vs-

K.Mahalingam ... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer H.M.O.P.No.528 of 2021 on the file of learned Additional Family Court, Coimbatore to the file of learned Sub Court, Usilampatti.

For Petitioner : Mr.S.P.Naveen Kumar

For Respondent : Mr.R.Gowrisankar

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer H.M.O.P.No.528 of 2021 on the file of learned Additional Family Court, Coimbatore to the file of learned Sub Court, Usilampatti.

2.The respondent has filed H.M.O.P.No.528 of 2021 before the Additional Family Court, Coimbatore, for dissolution of marriage.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing with her parental home at Allikundam Village, Usilampatti Taluk, Madurai District and she is depending on her parents for her day to day livelihood and she has no independent income to manage herself. The distance between Allikundam to Coimbatore is nearly 270 kms. Moreover, the respondent and his family members are influential persons in the locality and there is a threat for her to attend the hearing at Coimbatore. In this circumstance, it is difficult for the petitioner to travel from Allikundam to Coimbatore, for attending the Court hearing in H.M.O.P.No.528 of 2021. Hence, he prays to transfer the case to Usilampatti.

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 Sub Court, Palani.

6. Accordingly, H.M.O.P.No.528 of 2021 is withdrawn from the file of Additional Family Court, Coimbatore and transferred to the file of Sub Court, Palani, for disposal as per law. The learned Additional Family Court, Coimbatore, is directed to transmit the papers to the file of the Sub Court, Palani, forthwith. The learned Subordinate Judge, Palani, is directed to dispose H.M.O.P.No.528 of 2021 on merits and in accordance with law as expeditiously as possible.

7. The personal appearance of both parties before the Sub Court, Palani 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 Judge, Additional Family Court, Coimbatore.

2.The Subordinate Judge, Palani,

Order made in
Tr.C.M.P. (MD) No.185 of 2021
and
C.M.P. (MD) No.3526 of 2021

Dated:
01.07.2021

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