



WEB COPY

**Tr CMP (MD) No. 213 of 2021**

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

**DATED :29.07.2021**

**CORAM:**

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

**Tr.C.M.P. (MD) No.213 of 2021**

**and**

**C.M.P. (MD)No.4126 of 2021**

Dr.S.Ulagammal @ Padma

... Petitioner

-VS-

Dr.M.Sarvananan

... Respondent

**PRAYER:** Transfer Civil Miscellaneous Petition is filed under Section 24 (b)(ii) of the Code of Civil Procedure, to withdraw the original petition in F.C.O.P(MD) No.474 of 2020 on the file of the Family Court Judge, Tiruvannamalai and transfer the same to the file of the Family Court, Tuticorin.

For Petitioner : Mr.P.Jessi Jeeva Priya

For Respondent : No appearance

**O R D E R**

The present Transfer Civil Miscellaneous Petition is filed to withdraw the original petition in F.C.O.P(MD) No.474 of 2020 on the file of the Family Court Judge, Tiruvannamalai and transfer the same to the file of the Family Court, Tuticorin.

2.The respondent/ husband has filed F.C.O.P(MD) No.474 of 2020 before the Family Court, Tiruvannamalai for divorce. The petitioner/wife has filed HMOP No.584 of 2020 before the Family Court, Tuticorin for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing at Tuticorin District and she is having 5 years old son and no one accompany with her to attend the Court hearings at Thiruvannamalai. The distance between Tuticorin and Tiruvannamalai is nearly 470 kms. In such circumstances, it is very difficult for the petitioner to attend every hearing in F.C.O.P(MD) No.474 of 2020 before the Family Court, Tiruvannamalai. Therefore, he seeks to transfer the case to the file of Family Court, Tuticorin.

4.Today, when the matter is taken up for hearing, there is no representation on behalf of the respondent.



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case and also considering the submissions made by the learned counsel for the petitioner, F.C.O.P(MD)No.474 of 2020 is withdrawn from the file of the Family Court, Tiruvannamalai and transferred to the file of the Family Court, Tuticorin, for disposal as per law. The Judge, Family Court, Tiruvannamalai, is directed to transmit the papers to the Family Court, Tuticorin, forthwith. The learned Judge, Family Court, Tuticorin, is directed to dispose of the proceedings in F.C.O.P(MD) No.474 of 2020 on merits and in accordance with law as expeditiously as possible.

7. The personal appearance of both parties before the Family Court, Tuticorin, is dispensed with, except the dates of hearing, on which, the learned Judge insisted 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 allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1. The Judge, Family Court, Tiruvannamalai

2. The Judge, Family Court, Tuticorin.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate ( SR-24524[F] dated 29/07/2021 )

**Tr.C.M.P. (MD) No.213 of 2021**

**and**

**C.M.P. (MD) No.4126 of 2021**

**29.07.2021**

RD(6.08.2021) 2P 3C