



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.208 of 2021

and C.M.P. (MD) No.4083 of 2021

WEB COPY

M.Pachiammal

... Petitioner/Respondent

-vs-

M.Meenakshi Sundaram

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw HMOP.No.292 of 2021 on the file of the Family Court, Madurai and transfer the same to the file of the Subordinate Court, Attur, Salem District.

For Petitioner : Mr.S.Poornachandran

For Respondent : Mr.M.Jothibas

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw HMOP.No.292 of 2021 on the file of the Family Court, Madurai and transfer the same to the file of the Subordinate Court, Attur, Salem District.

2.The learned counsel for the petitioner/wife submits that the respondent/husband has filed HMOP.No.292 of 2021 before the Family Court, Madurai to declare the marriage between the petitioner and the respondent as null and void. It is further submitted that the petitioner is a physically challenged person with 70% disability and she is living with her parents at Salem. The distance between Salem and Madurai is about 250 kms. In such circumstances, it is difficult for the petitioner to travel from Salem to Madurai for attending every hearing in HMOP.No.292 of 2021 on the file of the Family Court, Madurai. Hence, he prays to transfer the case to the file of Subordinate Court, Attur, Salem District.

3.The learned counsel for the respondent has admitted the fact that the petitioner is a physically challenged person. However, the marriage was taken place at Madurai and after that, they were residing at Madurai only. Therefore, he has strongly objected to transfer the case.



4.This Court is satisfied with the reasons assigned in the affidavit filed in support of this petition.

5.Considering the facts and circumstances of the case and also considering the submissions made on either side, HMOP.No.292 of 2020 is withdrawn from the file of the Family Court, Madurai and transferred to the file of the Subordinate Court, Attur, Salem District for disposal as per law. The learned Family Court Judge, Madurai is directed to transmit the papers to the Subordinate Court, Attur, Salem District forthwith. The learned Subordinate Judge, Attur, Salem District is directed to dispose H.M.O.P.No.292 of 2021 on merits and in accordance with law, as expeditiously as possible.

6.In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

To

1.The Judge, Family Court
Madurai.

2.The Subordinate Judge
Attur, Salem District

+1 CC to M/s.G.M.LAW OFFICE M.JOTHIBASU, Advocate (SR-20211[F]
dated 25/06/2021)

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24.06.2021

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