



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :28.06.2021**

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

**Tr.C.M.P. (MD) No.216 of 2021
and C.M.P. (MD) No.4187 of 2021**

M.Divya Dharsini

... Petitioner/Respondent

-vs-

K.Madhan

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.1210 of 2021 on the file of the Additional Judge, Family Court, Chennai and to transfer to the file of Family Court, Theni.

For Petitioner : Mr.M.A.M.Raja

For Respondent : Mr.V.Balu

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.1210 of 2021 on the file of the Additional Judge, Family Court, Chennai and to transfer to the file of Family Court, Theni.

2.The learned counsel for the petitioner/wife submitted that the respondent/husband has filed in H.M.O.P.No.1210 of 2021 before the Family Court, Chennai, for divorce. The petitioner is living with her grandmother at Theni and she has no source of income. The distance between Theni and Chennai is more than 450 kms. Therefore, it is very difficult to travel from Theni to Chennai for attending every hearing in H.M.O.P.No.1210 of 2021. Therefore, he seeks to transfer the case.

4. The learned counsel for the respondent would submit that the respondent has undergone Bariatric surgery and due to the surgery, major portion of his intestine was removed and the movements of the respondent totally restricted. In such circumstances, he is not able to travel from Chennai to Theni. However, he further submitted that if this 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, Trichy.



6. Accordingly, H.M.O.P.No.1210 of 2021 is withdrawn from the file of the Additional Judge, Family Court, Chennai and transferred to the file of the Family Court, Trichy, for disposal as per law. The Additional Judge, Family Court, Chennai, is directed to transmit the papers to the file of the Family Court, Trichy, forthwith. The Judge, Family Court, Trichy, is directed to dispose H.M.O.P.No.1210 of 2021 on merits and in accordance with law as expeditiously as possible.

7. The personal appearance of both parties before the Family Court, Trichy, 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 Additional Judge, Family Court, Chennai

2. The Judge, Family Court, Trichy.

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