



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.228 of 2021

and

CMP (MD) .No.4361 of 2021

WEB COPY

Soundarya

...Petitioner/Respondent

-vs-

S.Karunakaran @ Vikki

...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer of the case in H.M.O.P.No.226 of 2021 from the file of the Family Court, Salem and transfer the same to the learned Principal Sub Court at Dindigul for deciding the same on merits pending disposal of the above transfer petition.

For Petitioner : Mr.J.Lawrance

For Respondent : Mr.B.Thanga Ravindh

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer of the case in H.M.O.P.No.226 of 2021 from the file of the Family Court, Salem and transfer the same to the learned Principal Sub Court at Dindigul.

2.The first respondent/husband has filed H.M.O.P.No.226 of 2021 before Family Court, Salem for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having a child and she is residing with her parental home at Ottanchathiram. The distance between Ottanchathiram and Salem is around 200 kms. If the petitioner attends the Court hearing at Salem, there would be life threat at the hands of the respondent. Moreover, the petitioner has no source of income and in this circumstance, it is very difficult for the petitioner to travel from Ottanchathiram to Salem for attending every hearing in H.M.O.P.No.226 of 2021. Therefore, he seeks to transfer the case to Dindigul.

4.The learned counsel for the respondent has filed a counter affidavit wherein he has stated that the petitioner is working at Coimbatore and hence, there would not be any hindrance to her to travel from Coimbatore to Salem. As interregnum arrangement, the petitioner is now working from home at Dindigul and if she again



comes to Coimbatore, then she will again seek transfer and only with an intention to drag on the proceedings, the present petition has been filed by the petitioner. Therefore, the respondent has strongly opposed to transfer the case. However, he submitted that if this Court feels to transfer the case, the same may be transferred to any centre place.

5.Considering the submissions made by both counsel, this Court transfer the case to the file of Sub Court, Karur.

6. Accordingly, H.M.O.P.No.226 of 2021 is withdrawn from the Family Court, Salem and transferred to the file of the Sub Court, Karur, for disposal as per law. The Judge, Family Court, Salem, is directed to transmit the papers to the file of the learned Subordinate Judge, Karur, forthwith. The learned Subordinate Judge, Karur, is directed to dispose of the case in H.M.O.P.No.226 of 2021 on merits and in accordance with law as expeditiously as possible.

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judge, Family Court, Salem.
2. The Subordinate Judge, Karur.



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Tr.C.M.P.(MD) No.228 of 2021

A.A.NAKKIRAN, J.

msa/cp

Order made in
Tr.C.M.P. (MD) No.228 of 2021
and
CMP (MD) .No.4361 of 2021

Dated:
08.07.2021

(CO)

LR (15.07.2021) 3P C