



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.06.2021**

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.227 of 2021

and C.M.P. (MD) No.4359 of 2021

WEB COPY

N.Syed Ali Pathu Beevi

... Petitioner/Respondent

-vs-

M.Sikkanthar

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the suit in O.S.No.20 of 2021 on the file of the Family Court, Madurai and to transfer the same to the file of the Subordinate Court, Paramakudi.

For Petitioner : Mr.J.Barathan

For Respondent : No Appearance

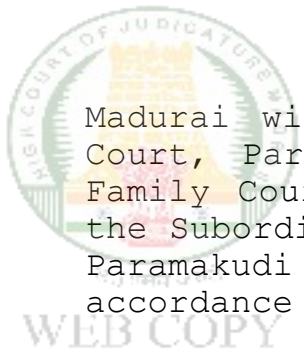
O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the suit in O.S.No.20 of 2021 on the file of the Family Court, Madurai and to transfer the same to the file of the Subordinate Court, Paramakudi.

2.The learned counsel for the petitioner/wife submits that the respondent/husband has filed O.S.No.20 of 2021 before the Family Court, Madurai for divorce. It is further submitted that the petitioner is having 9 years old child and she is living with her parental home at Paramakudi. The petitioner has filed M.C.No.3 of 2019 before the Judicial Magistrate, Paramakudi for maintenance. Though the case was allowed, the respondent has not paid any maintenance amount till date. Therefore, the petitioner is depending upon on her parents for her livelihood. Moreover, the distance between Paramakudi and Madurai is about 80 kms. In such circumstances, it is difficult for the petitioner to travel from Paramakudi to Madurai for attending every hearing in O.S.No.20 of 2021 on the file of the Family Court, Madurai. Therefore, he seeks to transfer the case to the file of Sub Court, Paramakudi.

3.Though the name of the respondent is printed in the cause list, the respondent has not chosen to appear either in person or through counsel duly instructed.

4.Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, O.S.No.20 of 2021 on the file of the Family Court,



Madurai withdrawn and transferred to the file of the Subordinate Court, Paramakudi, for disposal as per law. The learned Judge, Family Court Judge, Madurai is directed to transmit the papers to the Subordinate Court, Paramakudi, forthwith. The Subordinate Judge, Paramakudi is directed to dispose O.S.No.20 of 2021 on merits and in accordance with law, as expeditiously as possible.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

To

1.The Judge, Family Court, Madurai

2.The Subordinate Judge, Paramakudi

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-19962[F] dated 23/06/2021)

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