



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) Nos.229 and 230 of 2021

and

CMP (MD) .No.4366 of 2021

Tr.C.M.P. (MD) No.229 of 2021

M.Velupriya

... Petitioner

-vs-

J.Sudalai Kannan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in H.M.O.P.No.362 of 2019 on the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Madurai.

Tr.C.M.P. (MD) No.230 of 2021

1.M.Velupriya

2.Minor J.S.V.Nimal Kumar

... Petitioners

-vs-

J.Sudalai Kannan

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in M.C.No.69 of 2019 on the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Madurai.

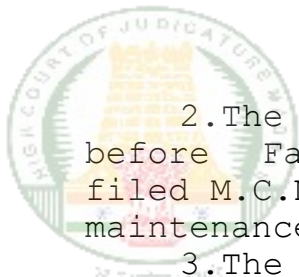
For Petitioners : Mr.K.Marimuthu

For Respondent : Mr.M.Baby Sudha

(in both petitions)

COMMON ORDER

The present Transfer Civil Miscellaneous Petitions are filed to withdraw the H.M.O.P.No.362 of 2019 and M.C.No.69 of 2019 on the file of the Family Court, Trichy, and transfer the same to Family Court, Madurai.



2.The respondent/husband has filed H.M.O.P.No.362 of 2019 before Family Court, Trichy, for divorce. The petitioner/wife has filed M.C.No.69 of 2019 on the file of the Family Court, Trichy, for maintenance.

3.The learned counsel for the petitioner/wife in Tr.CMP(MD). No.229 of 2021 submitted that the petitioner is having a male child. Now, she is residing with her father at Madurai and she has no source of income and she is depending on her father for daily needs. The distance between Madurai and Trichy is nearly 138 kms. In such situation, it is difficult for the petitioner to attend the hearings in H.M.O.P.No.362 of 2019 and M.C.No.69 of 2019 before the Family Court, Trichy. Therefore, he seeks to transfer the case to the file of Family Court, Madurai.

4.The learned counsel for the respondent/husband in Tr.CMP(MD). No.229 of 2021 submitted that the respondent is working in Trichy and if the cases are transferred to Madurai, it is difficult for him to attend the Court hearings. Hence, he strongly opposed to transfer the suit.

5.Considering the facts and circumstances of the case and considering the submission made by both counsel, H.M.O.P.No.362 of 2019 and M.C.No.69 of 2019 are withdrawn from the Family Court, Trichy and transfer to the file of Family Court, Madurai, for disposal as per law. The Judge, Family Court, Trichy, is directed to transmit the papers to the file of the Family Court, Madurai, forthwith. The learned Judge, Family Court, Madurai, is directed to club the case in H.M.O.P.No.362 of 2019 along with M.C.No.69 of 2019 together and dispose of the same on merits and in accordance with law as expeditiously as possible.

6.The personal appearance of both parties before the Family Court, Madurai, 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.

7.In fine, these Transfer Civil Miscellaneous Petitions are allowed. No costs. Consequently, connected miscellaneous petition is closed.

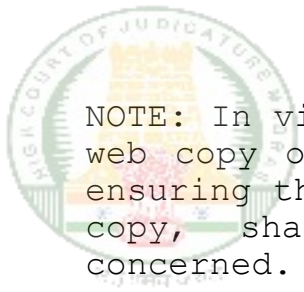
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To:

1. The Judge, Family Court, Trichy.
2. The Judge, Family Court, Madurai.

+1 CC to M/s.K.MARIMUTHU, Advocate (SR-23825[F] dated 26/07/2021)

+1 CC to M/s.K.MARIMUTHU, SR. No. 23826

Tr.C.M.P. (MD) Nos.229 and 230 of 2021

and

CMP (MD) .No.4366 of 2021

Dated:

26.07.2021

MGJ(03.08.2021) 3P 5C