



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.244 of 2021

and

CMP (MD) .No.4720 of 2021

Rajeshwari

.... Petitioner/Respondent

-vs-

S.Senthil Kumar

.... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition filed by the respondent in H.M.O.P.No.89 of 2021 on the file of Family Court, Trichy District and transfer the same to the Sub Court, Gudalur, Nilgiris District.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.S.Vinodh

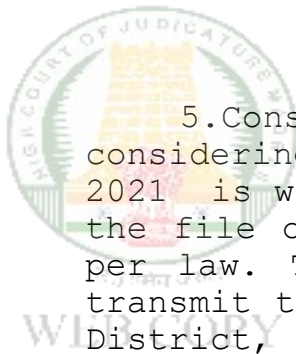
O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the petition filed by the respondent in H.M.O.P.No.89 of 2021 on the file of Family Court, Tiruchirappalli District and transfer the same to the Sub Court, Gudalur, Nilgiris District.

2.The respondent/husband has filed H.M.O.P.No.89 of 2021 before the Family Court, Tiruchirappalli District, for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having a child, who is aged about 9 years and she is residing at Gudalur, Nilgiris District and no one available to accompany with her for attending the Court hearings. Moreover, the distance between Gudalur and Trichy is more than 300 kms. In such circumstances, it is difficult for the petitioner to attend the hearing in H.M.O.P.No.89 of 2021 before the Family Court, Trichy District. Therefore, he seeks to transfer the case to Gudalur.

4.The learned counsel for the respondent/husband has strongly opposed to transfer the case. However, he submitted that there may be a possibility for settlement between the parties. Hence, he prays to refer the matter to mediation.



5.Considering the facts and circumstances of the case and considering the submission made by both counsel, H.M.O.P.No.89 of 2021 is withdrawn from the Family Court, Trichy and transferred to the file of Sub Court, Gudalur, Nilgiris District, for disposal as per law. The learned Judge, Family Court, Trichy, is directed to transmit the papers to the file of the Sub Court, Gudalur, Nilgiris District, forthwith. The learned Subordinate Judge, Gudalur, Nilgiris District, is directed to refer the matter to mediation and on receiving the report of mediation, H.M.O.P.No.89 of 2021 shall be disposed of 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 (A.D.II)

// 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, Trichy.

2.The Subordinate Judge, Gudalur, The Nilgiris District.

Tr.C.M.P. (MD) No.244 of 2021

and

CMP(MD) .No.4720 of 2021

27.07.2021

RD(5.08.2021) 2P 3C