



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.246 of 2021

M.Vivekkumar

... Petitioner/Petitioner

-vs-

A.Divya Bharathi

... Respondent/Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP.No.141 of 2020 on the file of Principal Sub Court, Madurai and to transfer the same to Family Court, Madurai.

For Petitioner : Mr.M.S.Parthiban

For Respondent : Mr.J.Gunaseelan Muthiah

O R D E R

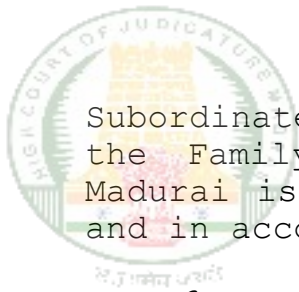
The present Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP.No.141 of 2020 on the file of Principal Sub Court, Madurai and to transfer the same to Family Court, Madurai.

2.The learned counsel for the petitioner submitted that H.M.O.P.No.141 of 2020 was filed by the petitioner/husband before the Principal Sub Court, Madurai for divorce. Immediately, the respondent/wife filed a petition in D.V.O.P.No.3 of 2021 against the petitioner before the Judicial Magistrate Court, Tirumangalam. He further submitted that the petitioner's father, who is the retired Sub Inspector, is frightening the petitioner. Moreover, the petitioner is presently working in Jeyamkondam which is 300 kms away from Madurai. Therefore, it is difficult for the petitioner to travel from Jeyamkondam to Madurai for attending two different hearing dates. In this regard, he has also filed a transfer petition before this Court to transfer the above DVOP to the file of Family Court, Madurai and it is pending. Hence, he prays to transfer the above cases to the file of Family Court, Madurai.

3.Per contra, the learned counsel for the respondent would submit that the petitioner is residing at Madurai only and it is not necessary to transfer DVOP.No.3 of 2021 to the Family Court, Madurai. Therefore, he has strongly objected to transfer the case.

4.Heard the learned counsel appearing on either side.

5.Considering the facts and circumstances of the case and also considering the submissions made by both counsel, H.M.O.P.No.141 of 2020 from the file of the Subordinate Court, Madurai, is withdrawn and transferred to the file of the Family Court, Madurai. The



Subordinate Judge, Madurai, is directed to transmit the papers to the Family Court, Madurai forthwith. The Judge, Family Court, Madurai is directed to dispose of H.M.O.P.No.141 of 2020 on merits and in accordance with law as expeditiously as possible.

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

7.In fine, this Transfer Civil Miscellaneous Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

// 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 Subordinate Judge, Madurai
2. The Judge, Family Court, Madurai.

+1 CC to M/s.J.GUNASEELAN MUTHIAH, Advocate (SR-20207[F] dated 25/06/2021)

Tr.C.M.P.(MD) No.246 of 2021
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KB(02.07.2021) 2P 4C