



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.259 of 2021

and

C.M.P. (MD) No.5140 of 2021

WEB COPY

K.Mohana Vaishali

... Petitioner

-vs-

S.N.Kiran Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.267 of 2021 pending on the file of the Hon'ble Family Court, Salem and transfer the same to the file of the Hon'ble Family Court or any other competent Court, Theni.

For Petitioner : Mr.R.Alagumani

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.267 of 2021 pending on the file of the Hon'ble Family Court, Salem and transfer the same to the file of the Hon'ble Family Court or any other competent Court, Theni.

2.The respondent/husband has filed H.M.O.P.No.267 of 2021 before the Family Court, Salem, for restitution of conjugal rights.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing with her aged parents in Theni District and she has no source of income and she is depending upon her parents for daily needs. The distance between Theni and Salem is nearly 170 kms. In this circumstance, it is difficult for the petitioner to travel from Theni to Salem for attending the Court hearing in H.M.O.P.No.267 of 2021. Hence, he prays to transfer the case to Family Court, Theni.

4.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.

5.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition.



6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, H.M.O.P.No.267 of 2021 is withdrawn from the Family Court, Salem and transferred to the file of Family Court, Theni for disposal as per law. The learned Judge, Family Court, Salem, is directed to transmit the papers to the file of the Family Court, Theni, forthwith. The learned Judge, Family Court, Theni, is directed to dispose of the proceedings in H.M.O.P.No.267 of 2021 on merits and in accordance with law as expeditiously as possible.

7.The personal appearance of both parties before the Family Court, Theni, is dispensed with, except on the dates of hearing, when 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.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1.The Judge,
Family Court,
Salem.

2.The Judge,
Family Court,
Theni.

Tr.C.M.P. (MD) No.259 of 2021
and

C.M.P. (MD)No.5140 of 2021

Dated:15.07.2021

RK (26.07.2021) 2P 3C

<https://hcservices.ecourts.gov.in/hcservices/>