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Tr CMP (MD) No. 255 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.255 of 2021

and

CMP (MD) .No.5049 of 2021

Indumathi

... Petitioner/Respondent

-vs-

Nivas

.... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Section 151 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.6 of 2021 from the file of Principal Sub Court, Pudukkottai and to transfer the same to the file of Family Court, Sivagangai.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.V.R.Shanmuganathan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.6 of 2021 from the file of Principal Sub Court, Pudukkottai and to transfer the same to the file of Family Court, Sivagangai.

2.The respondent/husband has filed H.M.O.P.No.6 of 2021 before Principal Sub Court, Pudukkottai, for divorce. The petitioner/wife has filed H.M.O.P.No.100 of 2021 before the Family Court, Sivagangai, for restitution of conjugal rights.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having 2 years old child and she has no source of income and she is depending on her parents for day today necessities and no one available to accompany with her to travel for attending the Court hearings and it may not be difficult for the respondent to conduct case at Sivangangai as the petitioner's application for restitution of conjugal rights is pending. The distance between Sivagangai and Pudukkottai is nearly 80 kms. In such situation, it is difficult for the petitioner to attend every hearing in H.M.O.P.No.6 of 2021 at Pudukkottai. Therefore, he seeks to transfer the case to Sivagangai.

4.The learned counsel for the respondent/husband would submit that the petitioner is residing in Kallupatti Village at Sivangangai District and if the case may be transferred to Devakottai, it would be convenient for both parties.



5.Considering the facts and circumstances of the case and considering the submission made by both counsel and to avoid conflicting judgments, H.M.O.P.No.6 of 2021 is withdrawn from the Principal Sub Court, Pudukkottai and transferred to the file of Family Court, Sivagangai, for disposal as per law. The learned Subordinate Judge, Pudukkottai, is directed to transmit the papers to the file of the Family Court, Sivagangai, forthwith. The learned Judge, Family Court, Sivagangai, is directed to club H.M.O.P.No.6 of 2021 along with H.M.O.P.No.100 of 2021 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, Sivagangai, 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, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

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 Principal Subordinate Judge, Pudukkottai.
- 2.The Judge, Family Court, Sivagangai.

Order made in
Tr.C.M.P. (MD) No.255 of 2021 and
CMP (MD) .No.5049 of 2021
Dated: **16.07.2021**

mj (CO)

TR(27.07.2021) 2P 3C

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