



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.262 of 2021

and

C.M.P. (MD) No.5290 of 2021

WEB COPY

Kasthuri

... Petitioner/Respondent

-vs-

Nagarajan

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the HMOP.No.186 of 2020 from the file of Principal Subordinate Court, Trichy to Principal Subordinate Court, Karur.

For Petitioner : Mr.M.Rajeswari

For Respondent : Mr.S.Deenadhayalan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the HMOP.No.186 of 2020 from the file of Principal Subordinate Court, Trichy to Principal Subordinate Court, Karur.

2.The respondent/husband has filed H.M.O.P.No.186 of 2020 before the Principal Subordinate Court, Trichy for divorce. The petitioner/husband has filed the domestic violence petition D.V.No.3 of 2021 before the Judicial Magistrate, Karur.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her aged parents at Karur and she has no income and her father is daily wage employee. Moreover, there is life threat at the hands of the respondent. In this circumstance, it is difficult for the petitioner to travel from Karur to Trichy for attending the Court hearing in H.M.O.P.No.186 of 2020. Hence, he prays to transfer the case to Principal Sub Court, Karur.

4.The learned counsel for the respondent would submit that the distance between Karur and Trichy is nearly 80 kms and if the case is transferred to Karur, it is difficult for the respondent to attend the Court hearing and hence, he seeks to transfer the case to any centre place.

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and circumstances of the case and also considering the submissions made by both counsel, H.M.O.P.No.186 of 2020 is withdrawn from the Principal Subordinate Court, Trichy and transferred to the file of Principal Subordinate Court, Karur for disposal as per law. The learned Subordinate Judge, Trichy, is directed to transmit the papers to the file of the Principal Subordinate Court, Karur, forthwith. The learned Principal Subordinate Judge, Karur, is directed to dispose of the proceedings in H.M.O.P.No.186 of 2020 on merits and in accordance with law as expeditiously as possible.

7.The personal appearance of both parties before the Principal Subordinate Court, Karur, 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 (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

- 1.The Principal Subordinate Judge, Trichy.
- 2.The Principal Subordinate Judge, Karur.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-22807[F] dated 16/07/2021)

+1 CC to M/s.M.RAJESWARI, Advocate (SR-22981[F] dated 16/07/2021)

RKN (28.07.2021) 2P 5C