



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.261 of 2021

and

C.M.P (MD) No.5284 of 2021

WEB COPY

K.Seerala Karthick

... Petitioner

-vs-

M.Karthika

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.C.M.A.No.08 of 2020 from the file of the learned Additional District Judge No.III, at Tirunelveli and transfer the same to the file of any Sessions Court at Madurai.

For Petitioner : Mr.M.Maharaja

For Respondent : Mr.V.Angusamy

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.C.M.A. No.08 of 2020 from the file of the learned Additional District Judge No.III, at Tirunelveli and transfer the same to the file of any Sessions Court at Madurai.

2.The petitioner/husband has filed H.M.C.M.A.No.08 of 2020 before the learned Additional District Judge No.III, Tirunelveli, to set aside the order passed by the Court of the Additional Subordinate Judge, Tirunelveli, made in H.M.O.P.No.30 of 2017 dated 07.08.2019.

3.The learned counsel for the petitioner submitted that the petitioner is a psychiatric patient and he is residing with his parents, who are suffering from health issues, at Velachery, Chennai-42. The respondent as well as her mother are practicing advocates and since they are influential persons and knowing all the Judicial Officers, they can get orders in her favour from the Court and moreover, the respondent is a money lender, who is a multi-millionaire and there is life threat at the hands of the respondent. Since the petitioner is a Psychiatric patient, it is difficult for him to travel alone without assistance of his aged parents. In these circumstances, the petitioner could not able to attend the Court hearing in H.M.C.M.A.No.08 of 2020. Hence, he seeks to transfer the case to the file of Family Court, Madurai.

4. The learned counsel appearing for the respondent would submit that the allegations made against the respondent without



supporting any materials are defamatory in nature. Since the proceeding is before the Additional District Judge No.III, Tirunelveli, the presence of the parties for every hearing is not required and only with an intention to drag on the proceedings and harass the respondent, the present petition has been filed. However, if this Court feels to transfer the case, a direction may be given to the Court below to complete the proceedings within a stipulated period.

5. Considering the facts and circumstances of the case and considering the arguments made by both sides, H.M.C.M.A.No.08 of 2020 pending on the file of Additional District Judge No.III, Tirunelveli, is withdrawn and transferred to the file of Family Court, Madurai, for disposal as per law. The learned Additional District Judge No.III, Tirunelveli, is directed to transmit the papers to the Family Court, Madurai, forthwith. The learned Judge, Family Court, Madurai, is directed to dispose of the proceedings in HMCMA No.08 of 2020 within a period of three months from the date of receipt of a copy of this order, on merits and in accordance with law.

6.In fine, this Transfer Civil Miscellaneous Petition is disposed of. 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 Additional District Judge No.III, Tirunelveli.
- 2.The Judge, Family Court, Madurai.

Copy to

The Section Officer, V.R.Section(2C)
Madurai Bench of Madras High Court,
Madurai

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and
C.M.P(MD) No.5284 of 2021
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