



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.288 of 2021

and

C.M.P. (MD) No.6127 of 2021

WEB COPY

Jeyapriya .. Petitioner / Respondent

-vs-

S.Hemachandran .. Respondent / Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw H.M.O.P.No.220 of 2021 pending on the file of the Sub Court, Alandur and transfer the same to the Family Court, Srivilliputhur.

For Petitioner : Mr.A.Balaji
For Respondent : Ms.R.Mahalakshmi

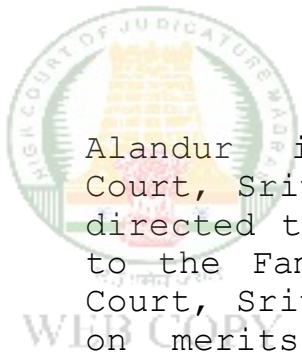
ORDER

This petition is filed by the petitioner/wife seeking transfer of H.M.O.P No.220 of 2021 pending on the file of the Sub Court, Alandur to the Family Court, Srivilliputhur, since the petitioner is residing at her parental home at Rajapalayam.

2.The petitioner had already filed a suit for maintenance in O.S.No.94 of 2020 on the file of the District Court Virudhunagar at Srivilliputhur and the petition under Domestic Violence Act was pending on the file of the learned Judicial Magistrate, Rajapalayam. These applications had been moved prior in point of time and thereafter, the petition for divorce has been filed by the respondent/husband on the file of the Sub Court, Alandur. Considering the fact that the petitioner is unemployed and unable to travel the distance from Srivilliputtur to Alandur, the petition for transfer has been filed.

3.The learned counsel for the respondent would only state that a time frame may be fixed for the disposal of the HMOP and the presence of the respondent before the trial Court may also be dispensed with.

4.Considering the above submissions, the Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.220 of 2021 pending on the file of the Sub Court,



Alandur is withdrawn and transferred to the file of the Family Court, Srivilliputhur. The learned Subordinate Judge, Alandur, is directed to transmit the entire records in H.M.O.P.No.220 of 2021 to the Family Court, Srivilliputhur. The learned Judge, Family Court, Srivilliputhur, shall endeavour to dispose of the said HMOP on merits and in accordance with law, as expeditiously as possible, however, not later than the period of six months from date of receipt of a copy of the order. The presence of the respondent herein before the Family Court at Srivilliputhur is dispensed with for all the hearings, except for adducing evidence. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Subordinate Judge, Alandur.
- 2.The Judge, Family Court, Srivilliputhur.

Tr.C.M.P. (MD) No.288 of 2021
16.11.2021

SR(CO)
SB(30.11.2021) 2P 3C