



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.271 of 2021

and

C.M.P. (MD) No.5707 of 2021

WEB COPY

Kaviya .. Petitioner/Petitioner
-vs-
S.P.Sridhar .. Respondent/Respondent

Prayer :- Petition filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.398 of 2021 pending on the file of the Family Court, Madurai and transfer the same to the Sub Court, Thuraiyur in Trichy District.

For Petitioner : Mr.S.Muthukrishnan
For Respondent : Mr.R.Murugappan

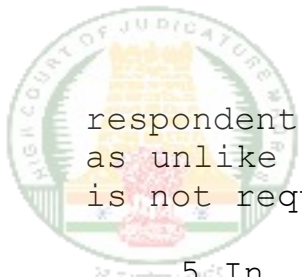
ORDER

This Transfer Civil Miscellaneous Petition is filed by the wife to transfer the petition in H.M.O.P.No.398 of 2021 pending on the file of the Family Court, Madurai, to the Sub Court at Thuraiyur.

2.The contention of the petitioner is that she has been deserted by her husband, since the respondent/husband was of a highly suspicious nature and was also upset by the fact that they did not have a child. Therefore, the petitioner was sent back to her paternal home in the month of January, 2021. The respondent has immediately filed a petition for divorce. The respondent is not supporting the petitioner financially and she is forced to depend on her parents. Further, the proceedings are now pending on the file of the Family Court, Madurai, where it is mandatory for the petitioner to appear for every hearing. She, therefore, seeks to have the matter transferred to the Sub Court, Thuraiyur, which also has jurisdiction, since the petitioner herein is residing within its jurisdiction.

3.When the respondent had entered appearance, this Court had directed the parties to mediate the dispute and the matter was sent for mediation to the Mediation and Conciliation Centre attached to this Bench and one Mr.M.R.Srinivasan, learned counsel was appointed as Mediator. However, the mediation efforts did not fructify and the matter was once again placed before this Court.

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respondent has no serious objection to the transfer being ordered, as unlike the Family Court, the parties presence for every hearing is not required before the Sub Court.

5. In view of the above submission, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.398 of 2021 is withdrawn from the file of the Family Court, Madurai, and transferred to the file of the Sub Court, Thuraiyur. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

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 Judge, Family Court, Madurai.

2.The Sub Judge, Thuraiyur,
Trichy District.

+1 CC to M/s.S.MUTHUKRISHNAN, Advocate (SR-38782[F] dated 15/12/2021)

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-39076[F] dated 16/12/2021)

Tr.C.M.P. (MD) No.271 of 2021
15.12.2021

DKS (CO)

SB(05.01.2022) 3P 5C