



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.338 of 2021

and

C.M.P. (MD) No.6934 of 2021

WEB COPY

Bhuvaneswari

.. Petitioner/Respondent

-vs-

S.Ganaprakash

.. Respondent/Petitioner

Prayer :- Petition filed under Section 24 Civil Procedure Code to withdraw the case in I.A.No.1 of 2021 in H.M.O.P.SR No.472 of 2021 from the Family Court, Karur and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.K.Neelamegam
For Respondent : Mr.R.Ramasamy

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the application in I.A.No.1 of 2021 in H.M.O.P.SR No.472 of 2021 pending before the Family Court, Karur and transfer the same to the Family Court, Madurai.

2.The grounds on which, the transfer is sought for, are as follows:-

(i) The petitioner is now residing at Chinnamanur in Theni District, but the matter is pending before the Family Court, Karur, where the presence of the parties is mandatory and the petitioner would have to travel about 304 kms up and down to attend the hearing at Karur;

(ii) The respondent has not only failed to maintain the petitioner herein, but also taken away her jewels, certificates, household articles, etc.

3.The respondent had entered appearance through counsel and does not have a very serious objection to the transfer except for contending that the his presence be dispensed with for all the hearings except for adducing evidence.

4.It is seen that the respondent has filed the application in I.A.No.1 of 2021 in the unnumbered HOMP to dispense with the statutory period of one year for filing a petition for divorce.

<https://hcservices.ecourts.gov.in/hcservices/> the opinion that the respondent has to argue this



application for which, his presence is definitely required. Thereafter, if the HMOP is numbered, his presence may be dispensed with except for attending the conciliation and adducing evidence.

5. In the result, this Transfer Civil Miscellaneous Petition is allowed and the application in I.A.No.1 of 2021 in H.M.O.P.SR No.472 of 2021 is withdrawn from the file of the Family Court, Karur, and transferred to the Family Court, Madurai. The interlocutory application shall be disposed of within a period of one month from the date of transfer. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// 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, Karur.

2. The Judge, Family Court, Madurai.

+1 CC to M/s.NEELAMEGAM, Advocate (SR-39879[F] dated 21/12/2021)

+1 CC to M/s.R.RAMASAMY, Advocate (SR-40051[F] dated 22/12/2021)

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Dated: 21.12.2021

GM(CO)

SB(19.01.2022) 2P 5C