



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.296 of 2020 and

CMP (MD) .No.6466 of 2020

Suganeswari

... Petitioner/Respondent

-VS-

Mayandi @ Sivakumar

.... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw O.P.No.48 of 2020 pending on the file of the Subordinate Court, Uthamapalayam and transfer the same to the file of the Subordinate Court, Madurai.

For Petitioner : Mr.M.U.Shameem John

For Respondent : Mr.A.S.Rajeswari

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw O.P.No.48 of 2020 pending on the file of the Subordinate Court, Uthamapalayam and transfer the same to the file of the Subordinate Court, Madurai.

2.The respondent/husband has filed O.P.No.48 of 2020 before Subordinate Court, Uthamapalayam for restitution of conjugal rights. The petitioner/wife filed a petition under the Protection of Women from Domestic Violence Act, before the Additional Mahila (Judicial Magistrate Level) Court, Madurai in Cr.M.P.No.5159 of 2020 and it is pending.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having 5 years old child and she is residing with her aged parents at their house in Angadimangamal Village, Madurai District. In order to attend the hearing at Subordinate Court, Uthamapalayam, the petitioner has to travel more than 120 kms for every hearing. Moreover, the petitioner is an unemployed and she is suffering serious financial crisis. In such situation, it is difficult for attending every hearing in O.P.No.48 of 2020 on the file of the Subordinate Court, Uthamapalayam. Therefore, he seeks to transfer the case to Madurai.



4.The learned counsel for the respondent has strongly opposed to transfer the case.

5.Considering the facts and circumstances of the case and considering the submission made by both counsel, O.P.No.48 of 2020 is withdrawn from the Subordinate Court, Uthamapalayam and transferred to the file of the Subordinate Court, Madurai, for disposal as per law. The learned Subordinate Judge, Uthamapalayam, is directed to transmit the papers to the file of the learned Subordinate Judge, Madurai, forthwith. The learned Subordinate Judge, Madurai, is directed to dispose of the case in O.P.No.48 of 2020 on merits and in accordance with law as expeditiously as possible.

6.In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

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/ /2021

Sub Assistant Registrar(CS)

Msa

To:

1. The Subordinate Judge, Uthamapalayam
2. The Subordinate Judge, Madurai

Tr.C.M.P. (MD) No.296 of 2020 and
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RC (15.07.2021) 2P-3C