



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.03.2021

CORAM

**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN**

**TR CMP (MD) No.269 fo 2020**

**and C.M.P (MD) No.6046 of 2020**

Vinitha

.. Petitioner/Respondent

**Vs.**

Balaguru @ Nimalan

.. Respondent/Petitioner

**PRAYER:-** Transfer C.M.P is filed under Section 24 of C.P.C to withdraw the case in H.M.O.P.No.311 of 2020 pending on the file of the Family Court, Madurai and transfer the same to the file of the Subordinate Court, Theni or any other competent court in Theni within the time stipulated by this Court.

|                |   |                        |
|----------------|---|------------------------|
| For Petitioner | : | Mr.C.Thamothara Kannan |
| For Respondent | : | Mr.M.Thirunavukkarasu  |

**O R D E R**

Wife seeks transfer of H.M.O.P.No.311 of 2020 pending on the file of the Family Court, Madurai to the Sub Court, Theni.

2. Transfer is sought mainly on the ground of convenience as the wife is a resident of Kondamanaickanpatti, Andipatti Taluk in Theni District.

3. No doubt continuance of the proceedings at the Family Court at Madurai would cause a certain hardship to the wife since she will have to appear in person for every hearing before the Family Court.

4. At the same time, the learned counsel for the respondent/husband would submit that since the respondent is a resident of Madurai, travelling to Theni for every hearing would be difficult for him.

5.Considering the claim and the counter claim made, I am of the considered opinion that Original Petition could be transferred to a neutral venue in between Theni and Madurai so that it will be convenient to both the parties.

6.It is also seen that divorce is pending before the Sub Court, Theni. If the proceedings sought to be held at different courts, there is a possibility of there being conflicting judgments. Hence. H.M.O.P.No.92 of 2020 on the file of the Sub Court, Theni and H.M.O.P.No.311 of 2020 on the file of the Family Court, Madurai are withdrawn and transferred to the file of the Sub Court, Usilampatti to be disposed of together.



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7. In fine, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

To:

1. The Judge, Family Court, Madurai.
2. The Subordinate Judge, Theni.
3. The Subordinate Judge, Usilampatti
4. The Section Officer, (2C)  
VR Section,  
Madurai Bench of Madras High Court,  
Madurai.

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KG (CO)  
KB (26.03.2021) 2P 6C