



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.303 of 2020

and

C.M.P. (MD) No.6619 of 2020

WEB COPY

Priyadharshini

... Petitioner/Respondent

-vs-

Venkatraman

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.42 of 2020 pending on the file of the Sub Court, Nagapattinam and transfer the same to the file of Sub Court or any other competent Court, Trichirapalli.

For Petitioner : Mr.R.Alagumani

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.42 of 2020 pending on the file of the Sub Court, Nagapattinam and transfer the same to the file of Sub Court or any other competent Court, Trichirapalli.

2.The respondent/ husband has filed H.M.O.P.No.42 of 2020 before the Sub Court, Nagapattinam, for dissolution of marriage.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having two years old child and she is residing in Trichirapalli District and also there is life threat at the hands of the respondent and his family members. The distance between Trichirapalli and Nagapattinam is nearly 150 kms and due to the health condition of the petitioner, she could not able to travel such a long distance. In such circumstances, it is very difficult for the petitioner to attend every hearing in H.M.O.P.No.42 of 2020 on the file of the Sub Court, Nagapattinam. Therefore, he seeks to transfer the case to the file of Sub Court, Trichirapalli.

4.Though the name of the respondent is printed in the cause list, the respondent has not chosen to appear either in person or through counsel.



5. This Court is satisfied with the reasons stated in the affidavit filed in support of this petition.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioner, H.M.O.P.No.42 of 2020 is withdrawn from the file of the Sub Court, Nagapattinam and transferred to the file of the Sub Court, Trichirapalli, for disposal as per law. The learned Subordinate Judge, Nagapattinam, is directed to transmit the papers to the Sub Court, Trichirapalli, forthwith. The learned Subordinate Judge, Trichirapalli, is directed to dispose of the proceedings in H.M.O.P.No.42 of 2020 on merits and in accordance with law as expeditiously as possible.

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

- 1.The Subordinate Judge, Nagapattinam.
- 2.The Subordinate Judge, Trichirapalli.

Order made in
Tr.C.M.P. (MD) No.303 of 2020
and
C.M.P. (MD)No.6619 of 2020
Dated: 29.07.2021

PK(CO)
TR(06.08.2021) 2P 3C