



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2021

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

TR.C.M.P. (MD) No.408 of 2021

and

C.M.P. (MD) No.7905 of 2021

R.Vinodhini

... Petitioner/Respondent

vs.

T.Saravanan

... Respondent/Petitioner

Prayer:-This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in HMOP.No.342 of 2018 from the file of the Family Court, Karur and to transfer the same to the file of the Sub Court, Veda sandur for trial.

For Petitioner : Mr.D.Venkatesh

For Respondent : No appearance

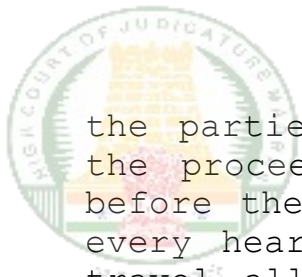
ORDER

The above application has been filed by the petitioner/wife seeking transfer of divorce petition pending on the file of the Family Court, Karur in HMOP.No.342 of 2018 to the file of Sub Court, Veda sandur.

2.The reason for seeking transfer is on account of the fact that the petitioner is residing at Veda sandur and it would be difficult to attend every hearing in HMOP.No.342 of 2018 as it is pending before the Family Court, Karur, where the parties have to appear in person. On the contrary, if the matter is transferred to the Sub Court, Veda sandur, the appearance of the parties may not be necessary. The respondent, who has been served, has however not chosen to enter appearance either through counsel or in person.

3.Heard the learned counsels and perused the records.

4.The petitioner is admittedly residing in Veda sandur, which has also been the address for service given by the respondent in HMOP.No.342 of 2018. It is an admitted case that the presence of



the parties are necessary before the Family Court, Karur, where the proceedings are pending, whereas, if the matter is pending before the Sub Court, Veda sandur, the presence of the parties on every hearing is not required. The petitioner admittedly has to travel all the way to Karur on every hearing and the affidavit filed in support of this petition would indicate that the petitioner has undergone surgery for spinal cord dislocation, by reason of the respondent assaulting her and now she is under medical treatment for the same.

5.In view of the above, this Transfer Civil Miscellaneous Petition is allowed and the petition in HMOP.No.342 of 2018 pending on the file of the Family Court, Karur is ordered to be withdrawn and transferred to the file of Sub Court, Veda sandur. The learned Judge, Family Court, Karur is directed to transmit the entire records of HMOP.No.342 of 2018 to the Sub Court, Veda sandur, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

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/ /2021

Sub Assistant Registrar (CS)

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To

1.The Judge,
Family Court,
Karur.

2.The Subordinate Judge,
Veda sandur.

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