



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2021

CORAM

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.C.M.P. (MD)No.301 of 2020
and
C.M.P. (MD)No.6485 of 2020

Kamatchi

: Petitioner

Vs.

Rajesh @ Vetharaj

: Respondent

PRAYER:- The petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.137 of 2019 from the file of the Subordinate Court, Thiruvarur and transfer the same to the file of the Family Court, Sivagangai.

For Petitioner : Mr.N.Marimuthu
for Mr.S.Ramu

ORDER

The wife seeks transfer of H.M.O.P.No.137 of 2019 filed by the husband on the file of the Subordinate Court, Thiruvarur, seeking divorce on the ground of desertion.

2.Admittedly, the wife is a resident of Sivagangai. Considering the distance between Sivagangai and Thiruvarur, I am of the opinion that the inconvenience caused to the wife will be more, if she is to travel to Thiruvarur for conducting the H.M.O.P. At the same time, the inconvenience, that would be caused to the husband by transferring the case to the Family Court, Sivagangai should also be taken into account.

3.Considering the same, I am of the opinion that the OP can be transferred to Subordinate Court, Sivagangai, where the presence of the parties for every hearing is not mandatory. The inconvenience caused to the husband by transferring the case to Subordinate Court, Sivagangai, will be largely reduced and he can appear in person for effective hearings only before the Subordinate Court. Hence, H.M.O.P.No.137 of 2019 is, withdrawn from the file of the Subordinate Court, Thiruvarur and transferred to the Subordinate Court, Sivagangai, to be heard and disposed of in accordance with law.



4.This Transfer Civil Miscellaneous Appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (AE)

// True Copy //

/ /2021
Sub Assistant Registrar (CS-)

To

1. The Subordinate Judge, Thiruvarur.
2. The Judge, Family Court, Sivagangai.
3. The Subordinate Judge, Sivagangai.

+1 CC to Mr.S.RAMU, Advocate (SR-5871[F] dated 18/02/2021)

CMR

TE : 02/03/2021 : 2P/5C

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