



TR.C.M.P(MD).No.90 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

TR.C.M.P(MD).No.90 of 2022
and C.M.P(MD).No.1926 of 2022

N.Shanthi

... Petitioner/Respondent

versus

D.Pradeep

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C, to withdraw the case in H.M.O.P.No.941 of 2021 on the file of the Subordinate Court, Poonamallee and transfer the same to the file of the Subordinate Court, Kovilpatti.

For Petitioner : Mr.P.Selvakamatchi

For Respondent : Mr.A.Chendrasekaran



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ORDER

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This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the proceedings in H.M.O.P.No.941 of 2021 from the file of the Subordinate Court, Poonamallee to the Subordinate Court, Kovilpatti.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 26.10.2020, as per the Hindu Rites and Customs. Subsequently, due to some difference of opinion, the respondent has filed H.M.O.P.No.941 of 2021 before the Subordinate Court, Poonamallee, seeking divorce. Since the petitioner/wife is a resident of Kovilpatti, she filed this present Transfer Civil Miscellaneous Petition to transfer the proceedings in H.M.O.P.No.941 of 2021 from the file of the Subordinate Court, Poonamallee to the Subordinate Court, Kovilpatti.

3. The learned counsel appearing for the petitioner submits that the petitioner was deserted by her husband and now, she is living along with her parents at Kovilpatti and she is not having sufficient means to travel from



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Kovilpatti to Poonamallee. He further submits that the distance between Kovilpatti and Poonamallee is around 553 kms. Since there is no one to accompany her, it is very difficult for her to travel such a long distance for appearing before the Subordinate Court, Poonamallee, for each and every hearing.

4.The learned counsel appearing for the respondent submitted that the respondent is apprehending life threat and danger at the hands of the family members of the petitioner and therefore, instead of Kovilpatti, the case may be transferred to Subordinate Court, Madurai. The learned counsel for the respondent further submits that he has also advised the respondent to pay a sum of Rs.5,000/- per month as interim alimony till the disposal of the application for enabling her to appear before the Court at Madurai, without prejudice to his defence, if any in other proceedings. He also filed a memo to that effect.

5. In view of the said submission made by the learned counsel on either side, this Court is inclined to transfer the proceedings in H.M.O.P.No.



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941 of 2021 from the file of the Subordinate Court, Poonamallee to the file of the Family Court, Madurai.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The proceedings in H.M.O.P.No.941 of 2021 pending on the file of the Subordinate Court, Poonamallee, is withdrawn and ordered to be transferred to the file of the Family Court, Madurai. The learned Judge, Subordinate Court, Poonamallee, is directed to transmit the entire case records to the Family Court, Madurai forthwith. The learned Judge, Family Court, Madurai, shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

20.07.2022

Rmk

Index : Yes / No

Internet: Yes / No

To

1.The Subordinate Judge, Poonamallee.

2.The Judge, Family Court, Madurai.



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B.PUGALENDHI, J.

Rmk

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