



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

TR CMP(MD)No.172 of 2022

and

C.M.P(MD)No.3086 and 3098 of 2022

Esakkiammal

... Petitioner

Vs

Rama Subra Manian

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to transfer the case in H.M.O.P(MD) No.177 of 2021 on the file of the Family Court, Thoothukudi to the file of the Sub Court, Ambasamuthiram.

For Petitioner : Mr.S.Senthil Sankara Natha Kumar

For Respondent : Mr.B.N.Raja Mohamed

ORDER

This Transfer Civil Miscellaneous Petition is filed to transfer the proceedings in H.M.O.P.No.177 of 2021 from the file of the Family Court, Thoothukudi to the file of the Sub Court, Ambasamuthiram.

2.The learned Counsel for the petitioner submits that the petitioner and the respondent are wife and husband. Their marriage was solemnised on 29.11.2013 and after the marriage, they were living in the matrimonial home at Thoothukudi. While so the petitioner went to her parents' house at Alwarkurichi for treatment in January 2020. But due to COVID-19 pandemic she was unable to return to the matrimonial house in Thoothukudi. While being so, the respondent husband making false allegations against the petitioner, filed a petition in H.M.O.P.No.177 of 2021 before the Family Court, Thoothukudi for dissolution of marriage.

3.The learned Counsel further submits that the petitioner is residing in Alwarkurichi and she is depending on her aged mother and her brother for her livelihood. The case is filed before the Family Court in Thoothukudi, which is nearly 150 KMs from Alwarkurichi. The petitioner finds it difficult to attend the Court proceedings in Thoothukudi. Therefore, the petitioner prays to transfer the



proceedings in H.M.O.P.No.177 of 2021 from Family Court, Thoothukudi to Sub Court, Ambasamuthiram.

4.The learned Counsel for the respondent strongly objected to the relief sought for by the petitioner.

5.Heard the learned Counsel on either side and perused the materials placed on record.

6.According to the learned Counsel for the petitioner, the petitioner is residing in Alwarkuruchi with her aged mother, she is also depending upon her brother for her livelihood and she could not travel without assistance of others. The distance between Alwarkuruchi to Thoothukudi is 150 Kms. Therefore, this Court is inclined to allow this petition.

7.In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in H.M.O.P.No.177 of 2021 from the file of the Family Court, Thoothukudi is withdrawn and transferred to the file of the Sub Court, Ambasamuthiram. The learned Judge, Family Court, Thoothukudi is directed to send the entire case records in H.M.O.P.No.177 of 2021 within a period of fifteen days from the date of receipt of a copy of this order to the learned Sub Judge, Ambasamuthiram, who in turn shall dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petitions stand closed.

Sd/-

Assistant Registrar (Crl.Side)

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Sub Assistant Registrar(CS)

dsk

To

1.The Judge,
The Family Court,
Thoothukudi.

2.The Sub Judge,
Ambasamuthiram.

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RD(21.06.2022) 2P 3C