



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Tr.C.M.P(MD).No.328 of 2021

and

C.M.P(MD)No.6883 of 2021

G.Selvabharathi

...Petitioner/Respondent

Vs.

G.Poovarengarajan

...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.58 of 2021 from the file of the Family Court, Srivilliputhur and transfer the same to the file of Family Court, Dindigul.

For Petitioner : Mr.B.Azhagesh

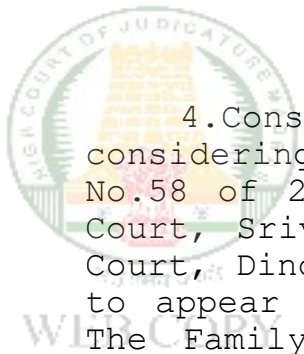
For Respondent : Mr.M.Ashok Kumar

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw the H.M.O.P.No.58 of 2021 from the file of the Family Court, Srivilliputhur and transfer the same to the file of Family Court, Dindigul.

2.The learned counsel for the petitioner submitted that H.M.O.P.No.58 of 2021 was filed by the respondent/husband for dissolution of marriage under Section 13(1)(i-a)(i-b) of Hindu Marriage Act, 1955 before the Family Court, Srivilliputhur. He further submitted that the petitioner is having two children and also maintained her old age parents. So she cannot go to Srivilliputhur to conduct the case. Hence, she seeks transfer of case.

3.The learned counsel for the respondent has strongly opposed this petition and submitted that the respondent is residing at Srivilliputhur and he could not appear before the Dindigul Court. If it is transferred to any one of the Sub Court, Dindigul then appearance of the parties may be dispensed with and the counsel may appear on behalf of the parties.



4.Considering the facts and circumstances of the case and also considering the submission made by both the learned counsel, HMOP No.58 of 2021 is ordered to be withdrawn from the file of Family Court, Srivilliputhur and transferred to the file of Principal Sub Court, Dindigul for disposal as per law. Both parties are directed to appear before the Principal Sub Court, Dindigul on 04.03.2022. The Family Court, Srivilliputhur, is directed to transmit the papers to the file of the Principal Sub Court, Dindigul, forthwith. On receipt of records, the Principal Sub Court, Dindigul is directed to dispose H.M.O.P.No.58 of 2021 as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order.

5.In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Sub Judge,
Dindigul.

2.The Judge,
The Family Court,
Srivilliputhur.

+1 CC to M/s.B.AZHAGESH, Advocate (SR-5444[F] dated 10/02/2022)

+1 CC to M/s.M.ASHOK KUMAR, Advocate (SR-5631[F] dated 11/02/2022)

Tr.C.M.P(MD).No.328 of 2021

and

C.M.P(MD)No.6883 of 2021

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