



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2022

CORAM:

THE HONOURABLE **MS.JUSTICE P.T.ASHA**

Tr.C.M.P. (MD) No.547 of 2021

and

C.M.P. (MD) No.9852 of 2021

K. Lakshmi

... Petitioner/Respondent

-vs-

P.Krishnakumar

... Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw the HMOP.No.98 of 2021 on the file of the Sub Court, Thuraiyur and transfer the same to the Principal Sub Court, Kumbakonam, Thanjavur District.

For Petitioner : Mr.R.Subramanian

For Respondent : Mr.C.Suresh kannan
for Mr.K.Prakash

ORDER

The petitioner/wife has filed this petition to transfer H.M.O.P.No.98 of 2021 filed by the respondent/husband, on the file of the Subordinate Court, Thuraiyur for divorce, to the file of the Principal Subordinate Court, Kumbakonam, Thanjavur District. The reasons given for seeking transfer is that the respondent / husband has not paid maintenance to the petitioner herein and her two school going daughters and the petitioner has also initiated maintenance proceedings in M.C.No.17 of 2021 on the file of the learned Chief Judicial Magistrate, Kumbakonam. The petitioner's apprehension is that she will have to travel over 150 kilometers one way, to attend the hearing at the Sub Court, Thuraiyur. She is already facing financial constraints and that coupled with the fact that she would have to travel leaving behind her two daughters, has constrained her to file the above Transfer petition.

2. The respondent husband has been served and had entered appearance through counsel. Though the respondent would initially objected to the transfer on the ground that the presence of the petitioner is not required for every hearing, as the matter is pending before the Sub Court, Thuraiyur, however, later he would submit that there is a chance of the parties, settling the dispute and therefore he would request that the matter be mediated first.



3. The learned counsel for the petitioner was also not averse to the above suggestion.

4. Therefore, the Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.98 of 2021 pending on the file of the Sub Court, Thuraiyur, Trichy District, is withdrawn and transferred to the Principal Subordinate Court, Kumbakonam. The learned Principal Subordinate Judge, on receiving the papers, shall initially refer the parties to mediation and on its failure shall take up the H.M.O.P., for hearing.

5. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pnn

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 Subordinate Judge, Thuraiyur.

2.The Principal Subordinate Judge, Kumbakonam, Thanjavur District.

+1 CC to M/s.K.PRAKASH, Advocate (SR-2232[F] dated 24/01/2022)

Tr.C.M.P. (MD) No.547 of 2021

and

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Dated: 21.01.2022

nsn(CO)

TR(02.02.2022) 2P 4C