



Tr.C.M.P.No.421 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No. 421 of 2023

and

C.M.P.No. 9453 of 2023

S.Manvizhi

... Petitioner

Vs.

R.Janakiraman

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the HMOP No.5 of 2023 on the file of Sub Court, Omalur and transfer it to the Sub Court, Tittagudi.

For Petitioner : Mrs.R.Meenal

For Respondent : Mr.V.Balamurugan



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ORDER

The petitioner/wife seeks transfer of H.M.O.P.No.5 of 2023 pending on the file of Sub-Court, Omalur to Sub-Court, Tittagudi. The petitioner wife seeks transfer of the proceedings on the ground that she is living with two children and she is not able to travel from her place of residence to attend every hearings before Sub-Court, Omalur.

2. The learned counsel appearing for respondent would submit that already respondent husband filed a Guardian O.P. No. 5 of 2022 before the District Court, Cuddalore and the same is pending. So, he raised objections to transfer the case from Omalur to Tittagudi, since because Guardian O.P. is pending before the District Court, Cuddalore.

3. By way of reply, the learned counsel for petitioner would submit that she is living with two children and she is unable to attend the hearing before the Sub-Court, Omalur. Hence, she prayed to transfer the case from Sub-Court, Omalur to Sub-Court, Tittagudi.

4. Records perused. The reasons assigned by the petitioner wife is



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justifiable one and the fact that she is living with two children and she is unable to attend the hearing before the Sub-Court, Omalur. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.5 of 2023 is withdrawn from the file of the Sub-Court, Omalur and transferred to the file of Sub-Court, Tittagudi and the learned trial judge is directed to transfer the case to the Sub-Court, Tittagudi within a period of two weeks from the date of receipt of copy of this order. The learned Sub-Court, Thittagudi is also directed to take case on file within period of one week from the date of receipt of papers and issue notice to the respondent as per manner known to law and thereafter, to dispose the case as early as possible. No costs. Consequently, connected civil miscellaneous petition is closed.

12.12.2023

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
rpp

To
1.The Subordinate Court, Omalur.

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2.The Subordinate Court, Tittagudi.

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T.V.THAMILSELVI, J.

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