



WEB COPY



Tr.C.M.P.No.953 of 2023
and CMP.Nos.22953 and 22954 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2023

CORAM:

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

Tr.C.M.P.No. 953 of 2023
and
CMP.Nos.22953 and 22954 of 2023

Surya alias Thirumangai
D/o. Shanmuganathan

... Petitioner

Vs.

Ramasamy
S/o.Manickam

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P.No. 88 of 2023 on the file of the learned Family Court Sivangangai and transfer the same to the file of the learned Sub Court, Tiruchengode and pass orders.



Tr.C.M.P.No.953 of 2023
and CMP.Nos.22953 and 22954 of 2023

For Petitioner : Mr. C.S. Saravanan

WEB COPY

ORDER

The petitioner/wife seeks to withdraw the H.M.O.P.No. 88 of 2023 on the file of the learned Family Court Sivangangai and transfer the same to the file of the learned Sub Court, Tiruchengode and pass orders. The petitioner /wife seeks transfer of the proceedings before the learned Family Court Sivangangai on the ground that she is living at Tiruchengode with her child and she is not able to attend the court hearings by travelling 300 kms. from Tiruchengode.

2. The learned counsel for the petitioner submitted that, the marriage between the respondent and the petitioner was solemnized on 14.09.2005 at Sowmy Narayana Perumal Temple at Sivagangai and out of the wedlock one girl child was born to them. Thereafter, due to misunderstanding the petitioner was driven out of the matrimonial home on 07.11.2017 along with the child. He further submitted that the respondent had filed a petition for dissolution of marriage in HMOP.No.88 of 2023 on the file of the learned Family Court at Sivangangai. The petitioner alone is looking after the



Tr.C.M.P.No.953 of 2023
and CMP.Nos.22953 and 22954 of 2023

welfare of the said child. On each and every hearings she has to travel approximately 300 kms for attend court proceedings at Sivagangai. Hence, she prays to transfer the HMOP.No.88 of 2023 to the Sub Court, Tiruchengode.

3. Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the HMOP.No.88 of 2023 to the Sub Court, Tiruchengode.

4. In view of the above, HMOP.No.88 of 2023 is withdrawn from the file of the learned Family Court Sivangangai and transferred to the file of Sub Court, Tiruchengode to be disposed of in accordance with law and the learned Family Court Sivangangai is directed to send entire records to the Sub Court, Tiruchengode, within a period of two weeks from the date of receipt of a copy of this order.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed.



Tr.C.M.P.No.953 of 2023
and CMP.Nos.22953 and 22954 of 2023

No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

6. However, the learned Family Court Sivangangai is directed to issue notice to the respondent and dispose of the case as early as possible, preferably within a period of three months from the date of this order.

10.10.2023

Index : Yes / No

Neutral Citation: Yes / No

Speaking/Non-speaking order

smn

To

1. The Family Court Sivangangai
2. TheSub Court, Tiruchengode.

T.V.THAMILSELVI, J.

4/5



WEB COPY



Tr.C.M.P.No.953 of 2023
and CMP.Nos.22953 and 22954 of 2023

smn

Tr.C.M.P.No. 953 of 2023
and
CMP.Nos.22953 and 22954 of 2023

10.10.2023