



Tr CMP (MD) No. 41 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.41 of 2023

and

C.M.P.(MD) No.874 of 2023

Meenakshi @ Sarulatha

... Petitioner/Respondent-Wife

-vs-

Subramanian

... Respondent/ Petitioner-Husband

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in H.M.O.P.No.249 of 2022 on the file of the Sub Court, Devakottai, Sivagangai District, and Transfer the same to the Sub Court, Pudukkottai.

For Petitioner : No Appearance

For Respondent : Mr.VR.Shanmuganathan

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.249 of 2022 pending on the file of Sub Court, Devakottai, Sivagangai District, and transfer the same to Sub Court, Pudukkottai.



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2. There is no representation on behalf of the petitioner. The learned counsel for the respondent is present.

3. In paragraph 6 of the affidavit, the petitioner has stated as follows:-

“6. I respectfully submit that I am facing severe threat on the part of my husband and my life is in danger, if I entered into Devakottai, Sivagangai District, for attending the Court hearings. Moreover, my husband is an influential person in the locality. Hence, there is no safety in my life, if I entered Devakottai, Sivagangai District. Further, I have no other source of income except depending on my parental family and since it is 60 kms away from my native and I am not able to travel to the said court for every hearing along with minor child. Hence, I have no other option, except to file the present petition for transfer and no prejudice would be caused to him if the said case is transferred to Devakottai, Sivagangai District, to Sub Court, Pudukkottai.”

4. The reasons given by the petitioner appear to be reasonable for this Court to exercise its power under Section 24 r/w 151 of CPC. Therefore, this Court is inclined to transfer H.M.O.P.No.249 of 2022 from Sub Court, Devakottai, Sivagangai District, to Sub Court, Pudukkottai. The Sub Court, Pudukkottai., shall endeavour to bring closure to the dispute between the parties within a period of 12 months from the date of receipt of a copy of this order.



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5. With the above observation, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

30.03.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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To:

1. The Sub Court, Devakottai, Sivagangai District.
2. The Sub Court, Pudukkottai.



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C.SARAVANAN, J.

dss

Order made in
Tr.C.M.P.(MD) No.41 of 2023
and
C.M.P.(MD) No.874 of 2023

Dated:

30.03.2023