



**Tr CMP (MD) No. 50 of 2023**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 07.03.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**Tr.C.M.P.(MD) No.50 of 2023**

**and**

**CMP(MD)No.1131 of 2023**

Muthulakshni

... Petitioner/Petitioner

-vs-

Sivakumar

... Respondent/Respondent

**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.120 of 2022 on the file of the Subordinate Judge, Ambur, and transfer the same to the Family Court at Madurai.

For Petitioner : Mr.S.Prabha

For Respondent : Mr.R.Babu Jeganath

**ORDER**

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.120 of 2022 pending on the file of the Subordinate Judge, Ambur, and transfer the same to the file of the Family Court at Madurai.



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2.The learned counsel for the respondent on the other hand would submit that he has no objection to transfer the case. However, he prays that the personal appearance of the respondent/husband may be dispensed with before the Trial Court and that the respondent may be directed to appear before the Trial Court as and when required.

3.The submission of the respondent appears to be reasonable. Considering the above, H.M.O.P.No.120 of 2022 is withdrawn from the file of the learned Subordinate Judge, Ambur, and transferred to the file of Family Court at Madurai, for time disposal.

4.Considering the fact that the respondent is under treatment on account of Spinal Disc Prolapse (Prolapsed Intervertebral Disc) between fourth and fifth lumbar vertebrae, the personal appearance of the respondent is dispensed with before the Family Court, Madurai. However, the respondent shall appear before the Court as and when required as per the direction of the Court.



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5. The learned Subordinate Judge, Ambur, is directed to transmit the papers to the file of the Family Court at Madurai, forthwith. The Family Court at Madurai, is directed to dispose H.M.O.P.No.120 of 2022 on merits and in accordance with law as expeditiously as possible.

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

**07.03.2023**

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

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To:

1. The Subordinate Judge,  
Ambur.
2. The Family Court at Madurai.



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**C.SARAVANAN, J.**

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Order made in  
**Tr.C.M.P.(MD) No.50 of 2023**  
**and**  
**CMP(MD)No.1131 of 2023**

Dated:

**07.03.2023**