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Tr CMP (MD) No. 47 of 2023

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.47 of 2023

and

C.M.P.(MD) No.1071 of 2023

Nandhini ... Petitioner/Respondent

-vs-

Michael ... Respondent/ Petitioner

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.58 of 2022 on the file of the Sub-Court, Usilampatti and transfer the same to the file of Family Court, Tiruppur.

For Petitioner : Mr.K.Hariharan

For Respondent : Mr.P.Ammavasi

ORDER

The present Transfer Civil Miscellaneous Petition is filed to transfer the case in H.M.O.P.No.58 of 2022 pending on the file of Sub-Court, Usilampatti, to the file of Family Court, Tiruppur.



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2.The respondent has filed H.M.O.P.No.58 of 2022 before the Sub Court, Usilampatti, for divorce. The petitioner is residing at Tiruppur, with her parents and she has no source of income. In this circumstance, it is submitted that it is difficult for the petitioner to travel from Tiruppur and Usilampatti for attending the Court hearing in H.M.O.P.No.58 of 2022. Hence, he prays to transfer the case to Tiruppur.

3. The learned counsel for the respondent would submit that the family of the petitioner is influential in Tiruppur and that the petitioner's parents are only 48 years and not too older age. It is further submitted that no hardship would be caused to the petitioner. Therefore, it is submitted that H.M.O.P.No.58 of 2022 need not be transferred to Tiruppur. Therefore, it is submitted that there is no merit in the present Transfer Civil Miscellaneous Petition.

4.I have considered the argument advanced by the learned counsel for the petitioner and the learned counsel for the respondent.



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5. In my view, the petitioner is entitled for the relief sought for transfer of H.M.O.P.No.58 of 2022 pending on the file of the Sub Court, Usilampatti, to the Family Court, Tiruppur. Accordingly, this Court is inclined to transfer H.M.O.P.No.58 of 2022 from Sub court, Usilampatti, to Family Court, Tiruppur. The Family Court, Tiruppur, 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.

6. 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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C.SARAVANAN, J.

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To:

1. The Sub-Court, Usilampatti.
2. The Family Court, Tiruppur.

Order made in
Tr.C.M.P.(MD) No.47 of 2023
and
C.M.P.(MD) No.1071 of 2023

Dated:

30.03.2023