



Tr.C.M.P.(MD)No.52 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.52 of 2023

and

C.M.P.(MD)No.1208 of 2023

Hemalatha

.. Petitioner

Versus

Sankilikumar

.. Respondent

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.127 of 2019, pending on the file of the Sub Court, Devakottai and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.A.Thirupathy

For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.127 of 2019, pending on the file of the Sub Court, Devakottai and transfer the same to the file of the Family Court, Madurai.

2.Today, when the matter is taken up for hearing, there is no representation on behalf of the respondent, despite service of notice on him and his name is also printed in the cause list.



3.In Paragraph 6 of the affidavit filed in support of the Transfer Civil

Miscellaneous Petition, the petitioner has stated as follows:-

"6. I submit that I am jobless and I am depending on my father's meager income for my livelihood and to meet the litigation expenses. Therefore, I am not in a position to move from Madurai to Devakottai. If I attend the court at Devakottai, I have to go up and down for about 200 kms, for each and every hearing. This is not only causing physical discomfort, but also would lead to double expenditure in engaging two different advocates. ..."

4.Being satisfied with the reasons given, this Court is inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, there shall be a direction for transfer of H.M.O.P.No.127 of 2019, pending on the file of the Sub Court, Devakottai, to the file of the Family Court, Madurai. The learned Judge, Family Court, Madurai, shall endeavour to dispose of H.M.O.P.No.127 of 2019, on it being re-numbered, as expeditiously as possible, preferably, within a period of 12 months from the date of receipt of a copy of this order.

5.This Transfer Civil Miscellaneous Petition stands allowed with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

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

20.04.2023



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To

1.The Sub Judge,
Devakottai.

2.The Judge,
Family Court,
Madurai.



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C.SARAVANAN, J.

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Order made in
Tr.C.M.P.(MD)No.52 of 2023

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