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Tr.C.M.P.(MD)No.43 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.43 of 2022

and

C.M.P.(MD)No.824 of 2022

Nallulatchumi

.. Petitioner

Versus

P.Ganesan

.. Respondent

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw and transfer H.M.O.P.No.12 of 2021, pending on the file of the Subordinate Court, Sankarankovil, to the file of the Subordinate Court, Sivakasi.

For Petitioner : Mr.S.P.Naveen Kumar

For Respondent : No Appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.12 of 2021, pending on the file of the Sub Court, Sankarankovil and transfer the same to the file of the Sub Court, Sivakasi.

2.The Court notice ordered on the respondent has remained unserved.

However, the private notice taken out on the respondent was served and his name has



also been printed in the cause list. Despite the same, there is no representation on behalf of the respondent.

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3.The learned counsel for the petitioner submits that the trial has not commenced in H.M.O.P.No.12 of 2021 before the Sub Court, Sankarankovil.

4.In Paragraph 6 of the affidavit filed in support of the Transfer Civil Miscellaneous Petition, the petitioner has stated as follows:-

"6.I humbly submit that the HMOP petition is filed before the Learned Subordinate Court, Sankarankovil and will come up for hearing on 27.01.2022. It is pertinent to state here that the distance between my village i.e. Kongalapuram Village to Sankarankoil is around 51 kms and the To and Fro distance comes around 102 kms. approximately. Moreover, I myself and my parents are unable to travel all the way from Kongalapuram to Sankarankoil for the reason that my parents have to attend their coolie work daily for getting a meager salary for our survival. Moreover, my parents are not in a good health condition and it is not possible for them to make a travel for 102 kms for each and every hearing of the above said HMOP petition. Moreover, I have some health issue and it is not feasible for me to travel in a bus frequently. For each and every hearing, I have to accompany my parents to attend each and every hearing of the case and it is not possible for me and my parents to spend money for travelling in a bus frequently. Therefore it is just and necessary to transfer the case from the file of learned Subordinate Court, Sankarankoil to the file of the learned Subordinate Court, Sivakasi."



Tr.C.M.P.(MD)No.43 of 2022

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5. 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.12 of 2021, pending on the file of the Sub Court, Sankarankovil, to the file of the Sub Court, Sivakasi. The learned Sub Judge, Sivakasi, shall endeavour to dispose of H.M.O.P.No.12 of 2021, 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.

6. 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
To

25.04.2023

1. The Sub Judge,
Sankarankovil.

2. The Sub Judge,
Sivakasi.



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C.SARAVANAN, J.

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Order made in
Tr.C.M.P.(MD)No.43 of 2022

25.04.2023