



Tr.C.M.P(MD)No.114 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **12.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.114 of 2023

and

C.M.P(MD)No.2584 of 2023

Mareeswari @ Stella

...Petitioner/Respondent

Vs.

Satheskumar

...Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the petition in H.M.O.P.No. 53 of 2022 on the file of the Sub Court, Udumalaipettai and transfer the same to the Family Court, Thoothukudi.

For Petitioner : Mr.S.Muthumalai Raja

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to transfer H.M.O.P.No.53 of 2022 on the file of the Sub Court, Udumalaipettai to the file of the Family Court, Thoothukudi.



Tr.C.M.P(MD)No.114 of 2023

2. Though the respondent has been served, there is no appearance either in person or through counsel. The name of the respondent is also printed in the cause list.

3. The petitioner in her affidavit filed in support of the petition stated as follows:

" 6. I humbly submit that since I and my 2 years old child are depending upon my parents, I am not in a position to spent money and bring along with my 2 years old child to attend the hearing in Sub Court, Udumalaipettai and also distance between my residency at Thoothukudi is more than 300 KM and I have to travel around 8 hours to attend the case at Udumalaipettai. Further, I have been given to understand Respondent/husband and his parents are taking hectic steps to prevent me from appearing before the sub Court, Udumalaipettai to make out the case and also will try to get the ex-party order from the Sub-court, Udumalaipettai. Also I could not able to engage the counsel to proceed continuing my case because now I and my 2 years old child are depending on my parents for each and every needs. The Respondent is having money and man power so they could even use criminal force upon me and try to take my 2 years old male child with forcefully or even they will go up to the extent of causing threat to my life and to meet out their demand of getting divorce decree, if I appear before the Sub Court, Udumalaipettai for every hearing.

7. I humbly submit that I am not an earning member and therefore I am facing great difficulty to engage lawyer at Udumalaipettai, since it is a matter touching my life to go over there often to give instructions and to follow the case. Therefore, interest of natural justice requires that to transfer



WEB COPY



Tr.C.M.P(MD)No.114 of 2023

C.SARAVANAN ,J.

SN

Tr.C.M.P(MD)No.114 of 2023

12.06.2023