



Tr.C.M.P(MD)No.86 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.86 of 2023

and

C.M.P(MD)No.2057 of 2023

Athilakshmi

... Petitioner/Petitioner

Vs.

Vignesh

...Respondent/Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw and transfer the H.M.O.P.No. 7 of 2023 from the file of the Principal Sub Court, Dindigul to the file of the Family Court, Srivilliputhur.

(Amended vide Court order, dated 12.04.2023 made in CMP(MD)No.4185 of 2023 in Tr.CMP(MD)No.86 of 2023)

For Petitioner : Mr.M.Thirunavukkarasu

For Respondent : Mr.R.J.Karthick

ORDER

The present transfer civil miscellaneous petition has been filed to transfer H.M.O.P.No.7 of 2023 from the file of the Principal Sub Court, Dindigul to the file of the Family Court, Srivilliputhur.



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

"6. I submit that as stated above I am residing at Govindan Nagar Colony, Srivilliputhur Town with my parents, who are aged persons and I have no assistance of male members. At this juncture, it is very difficult for me to travel over to the Principal Sub Court at Dindigul from Srivilliputhur which is very far away, more than 130 KM away from Srivilliputhur and I have to travel for about 4 hours. It is very difficult for me to appear in the above said proceedings at Dindigul. The convenience of the women is the paramount consideration in the matter of matrimonial proceedings as held by the Hon'ble Apex Court and out High Court. On the other hand, the respondent herein being a male member, he could come over to Srivilliputhur.

6. I submit that this bearing the present situation the distance between Srivilliputhur and Dindigul is about more than 130 Kms to attend the Court proceeding at Dindigul, I will be put to a cumbersome situation of travelling about 260 kilometres up and down per hearing. Furthermore, I have no assistance of male members, except my aged parents for attending the hearing at Dindigul. Thus, I am left helpless and hapless. Now the above H.M.O.P. is posted to 13.03.2023. In such circumstances, it is just and necessary to stay all further proceedings of the above HMOP, failing which I will be put to irreparable hardship."

3. Being satisfied with the reasons given in the affidavit filed in support of the petition, I am inclined to allow the present Transfer Civil Miscellaneous Petition. Thus, the present Transfer Civil Miscellaneous Petition stands allowed by transferring H.M.O.P.No.7 of 2023 from the file of the Principal Sub Court, Dindigul to the file of the Family Court, Srivilliputhur.



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4. Considering the fact that the respondent is keen on settling the dispute with the Petitioner, the Family Court, Srivilliputhur shall refer the parties to mediation and thereafter, take up the case. In case mediation fails, the Family Court, Srivilliputhur shall endeavour to dispose of the H.M.O.P.No.7 of 2023 as expeditiously as possible preferably within a period of 15 months from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

24.04.2023

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

- 1.The Principal Sub Court,
Dindigul.
- 2.The Family Court,
Srivilliputhur.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN ,J.

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