

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.130 of 2021

and

C.M.P(MD)No.2552 of 2021

M.P.Kavitha

... Petitioner/
Respondent

Vs.

K.Manikandan

... Respondent/
Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw the H.M.O.P.No.266 of 2020 on the file of the Family Court, Madurai and transfer the same to Family Court, Theni District.

For Petitioner : Mr.K.Appadurai

For Respondent : Mr.T.Sivananthan

ORDER

The respondent herein has filed H.M.O.P.No.266 of 2020 before the Family Court, Madurai for dissolution of marriage with the petitioner.

2. This petition is opposed by the learned counsel for the respondent on the ground that the petitioner has not entered appearance before the Family Court, Madurai in H.M.O.P.No.266 of 2020 and that she has made complaint against the respondent. It is submitted that the distance between Madurai and Theni is only 80 kilometers and therefore no prejudice will be caused if the Family Court, Madurai is allowed to continue with H.M.O.P.No.266 of 2020.

3. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the respondent.

4. The distance between Madurai and Theni is only 80 Kilometers. The fact remains that the petitioner is not employed and lives with her parents and a four year old minor child to take care.

5. In my view, no prejudice will be caused if H.M.O.P.No.266 of 2020 is transferred to the Family Court, Theni. Accordingly, the Present Transfer Civil Miscellaneous Petition stands allowed by transferring H.M.O.P.No.266 of 2020 from Family Court, Madurai to Family Court, Theni. The Family Court, Theni shall endeavour to complete the

proceedings 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.

23.03.2023

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

- 1.The Family Court Judge,
Madurai.
- 2.The Family Court Judge,
Theni District.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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C.SARAVANAN ,J.

SN

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