



Tr.C.M.P(MD)No.128 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.128 of 2023

Malathi

...Petitioner/
Respondent

Vs.

Esakkipandi

...Respondent/
Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw H.M.O.P.No.179 of 2022 pending on the file of the Sub Court, Ambasamudram and to transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Mr.G.Mohan Kumar

For Respondent : Mr.S.M.Mohan Gandhi

ORDER

The present transfer civil miscellaneous petition has been filed to transfer H.M.O.P.No.179 of 2022 from the Sub Court, Ambasamudram to the file of the Family Court, Tirunelveli.



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2. The petitioner in her affidavit has stated that she is taking care of a minor child aged about three years old and that the respondent is resorting to criminal intimidation and threat and therefore, the petitioner cannot travel from Palayamkottai to Ambasamudram. That apart, the petitioner has also stated that her mother is a coolie worker and therefore, it is not possible to leave the child alone when the case is listed before the Sub Court, Ambasamudram.

3. On the other hand, the learned counsel for the respondent has referred to the counter of the respondent, wherein, it is stated as follows:

"3. I state that though there is distance of 40 kilometres between the Ambasamudram and Tirunelveli both are in the same Tirunelveli District, she filed the present transfer petition seeking transfer the case from Ambasamudram Court to Tirunelveli Court with malafide intention that threatening or assaulting me again and to disturb the case proceedings of the HMOP filed by me. The present petition filed by the petitioner is without any merits and only abuse process of the Court. Whereas the parents and brother are for the petitioner, I am only for aged parents. Hence the present petition may be dismissed by this Hon'ble Court with cost."

4. Being satisfied with the reasons given in the affidavit filed in support of the petition and considering the plight of an unemployed lady,



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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.179 of 2022 pending on the file of the Sub Court, Ambasamudram to the file of the Family Court, Tirunelveli. No costs.

12.04.2023

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

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To

- 1.The Sub Court, Ambasamudram.
- 2.The Family Court, Tirunelveli.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN ,J.

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