



Tr CMP (MD) No. 120 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.120 of 2023

and

CMP(MD)No.2732 of 2023

L.Logapushpanjali

... Petitioner/Respondent

-VS-

G.Arivoli

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case on the file of Sub-Court, Thiruvarur, in H.M.O.P. No.10 of 2023 and transfer the same to the Family Court, Trichy.

For Petitioner : Mr.T.A.Omprakash

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of Sub-Court, Thiruvarur in H.M.O.P. No. 10 of 2023 and transfer the same to the Family Court, Trichy.



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2.Despite notice being served through Court and privately on the respondent and the name being printed in the cause list, there is no representation on behalf of the respondent either in person or through counsel.

3.Paragraph 6 of the affidavit reads as under:-

“6..... I humbly submit that respondent herein alleged the false allegation against me and filed a restitution of conjugal rights in HMOP.No.10 of 2023 before the Sub Court, Thiruvavarur. Further, the respondent is an influential person at his home town, all with money and muscle power. Therefore there is no safety for my life, if I go to Thiruvavarur to attend the case before Court. However, I received a summon from the Family Court and the date of hearing of the case is coming soon. Therefore, appearing before the Sub-court, Thiruvavarur is very much expensive for me, also I have to travel alone all the way from Trichy to Thiruvavarur which is a distance of nearly 200 kms for each and every hearing and nobody will accompany me due to financial constraints. Further, more since I was driven away, my father is only taking care of myself. Whereas no prejudice would be caused to the Respondent if the case is transferred to the Family Court, Trichy.”

4.Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Court is inclined to allow this petition. Hence, H.M.O.P. No. 10 of 2023 is transferred from the file of Sub-Court, Thiruvavarur to Family Court,



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Trichy. The Family Court, Trichy, mshall endeavour to complete the proceedings preferably within a period of 12 onths from the date of receipt of copy of this order.

5.With the above observation, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

26.04.2023

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

dss

To:

- 1.The Sub-Court,
Thiruvavarur.
- 2.The Family Court,
Trichy.



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C.SARAVANAN, J.

dss

Order made in
Tr.C.M.P.(MD) No.120 of 2023
and
CMP(MD)No.2732 of 2023

Dated:

26.04.2023