



WEB COPY

Tr CMP (MD) No. 122 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.122 of 2023

and

CMP(MD)No.2750 of 2023

J.Jeyaprabha

... Petitioner

-VS-

R.Muruges

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.636 of 2022 on the file of the Family Court, Tiruchirappalli and transfer the same to the Family Court, Thanjavur.

For Petitioner : Mr.N.Mohan

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the H.M.O.P.No.636/2022 on the file of the Family Court,Tiruchirappalli and transfer the same to the Family Court, Thanjavur.



Tr CMP (MD) No. 122 of 2023

WEB COPY

2. The petitioner has taken steps pursuant to the order dated 06.03.2022 on the counsel for the respondent, who appears on behalf of the respondent in HMOP.No.636 of 2022 that has been filed before the Family Court, Tiruchirappalli. The notice that was ordered on 06.03.2022 on the counsel for the respondent through Court and privately were returned. The HMOP that has been filed before the Family Court, Tiruchirappalli does not disclose the address of the counsel. By the order dated 20.04.2023, the petitioner was again directed to serve notice on the counsel, who appears for the respondent in HMOP.No.636 of 2022 before the Family Court, Tiruchirappalli. It appears that the notice taken out by the petitioner on 20.04.2023 has been received by the counsel, who appears for the respondent on 21.04.2023. Thus, the notice is completed. The name of the respondent and the counsel is also printed in the cause list today. Despite of the same, there is no representation on behalf of the respondent.

3.The petitioner has expressed her difficulties in paragraphs 6 and 7 of the affidavit filed in support of the present Transfer Civil Miscellaneous Petition which reads as under:-



WEB COPY

Tr CMP (MD) No. 122 of 2023

“6.I state that the respondent denied all my articles and jewels. They threatened me not to come there to take any things. They have every power threaten me if I go to the Family Court, Trichy. Since my father is blind, I could not go to the court alone. There is every possibility of attack me and get sign from me for divorce.

7.I state that I am looking after my age old mother. My father is blind. I have to travel more than 50 kilometers to attend the case. It is difficult for me to leave my mother in my house alone and it is difficult for her to travel such a long distance. She is undergoing treatment for may ailments. Unless this Hon'ble Court is indulged to transfer the H.M.O.P.No. 636/20222 to Family Court, Thanjavur, I will be put to irreparable loss and hardship. Therefore, it is necessary to grant an order of interim stay of the further proceeding of the H.M.O.P. Otherwise, I will be put to irreparable loss and hardship.”

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, HMOP.No.636 of 2022 is transferred from the file of Family Court, Tiruchirappalli to Family Court, Thanjavur. The Family Court, Thanjavur, shall endeavour to complete the proceedings preferably within a period of 12 months from the date of receipt of copy of this order.



Tr CMP (MD) No. 122 of 2023

C.SARAVANAN, J.

dss

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

28.04.2023

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

dss

To:

1. The Family Court,
Tiruchirappalli.

2. The Family Court,
Thanjavur.

Order made in
Tr.C.M.P.(MD) No.122 of 2023
and
CMP(MD)No.2750 of 2023