



Tr.C.M.P(MD)No.123 of 2022

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.123 of 2022

and

C.M.P(MD)No.2452 of 2022

C.Sudalaikani

... Petitioner/Respondent

Vs.

P.Parthiban

...Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw H.M.O.P.No.1175 of 2021 from the file of the Hon'ble Family Judge, Madurai and transfer the same to the file of the Family Court, Thoothukudi for disposal of the same on merits in accordance with law.

For Petitioner : Mr.R.M.Suresh

For Respondent : M/s.V.Indra Gomadhi

ORDER

The present transfer civil miscellaneous petition has been filed to transfer H.M.O.P.No.1175 of 2021 from the file of the Family Court, Madurai to the file of the Family Court, Thoothukudi.



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2. The learned counsel for the respondent submits that there was an attempt to resolve the dispute through mediation, which has failed. However, there is no case made out for transferring the case.

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

"6. I humbly submit that I have been in Thoothukudi District along with my parent and my two minor children namely, 1.Pranish Pranav, 2.Manish Madev at the given address. My children namely, 1.Pranish Pranav, 2.Manish Madev are also in my care and custody. The respondent/husband filed HMOP petition against me in the above said same address wherein I am residing in Thoothukudi address. The distance between Madurai and Thoothukudi is about 160 kilometers. Each hearing I have to travel nearly 320 kilometers for each hearing. Moreover there are no relatives home in Madurai. Each hearing I have to accommodate myself along with my parent and two children in a decent hotel for which I have to spend more money for every accommodation and food. Each hearing it will be highly difficult for me to undertake such a long journey when I being a dependent on my parent and along with my children. I am being a helpless, solely depends on my parent, they have spent heavily to meet out the medical expenses of the children and my parent are helping for the same. Now I am completely dependent upon my parent because I have no source of income.

7. I humbly submit that I am now residing at Sundararaj Nagar, Naduvakuruchi, Swayarpuram Post, Eral Taluk, Thoothukudi District along with my parent and my children. I am under the care and custody of my parent. I have no source of income. In those circumstances and also under present legal position, the case in H.M.O.P.No.1175 of 2021 pending on the file of Hon'ble



Tr.C.M.P(MD)No.123 of 2022

Family Judge, Madurai has got to be withdrawn and transferred to the file of Family Court, Thoothukudi."

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4. 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.1175 of 2021 from the file of the Family Court, Madurai to the file of the Family Court, Thoothukudi. 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 Family Court,
Madurai.
- 2.The Family Court,
Thoothukudi.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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Tr.C.M.P(MD)No.123 of 2022

C.SARAVANAN ,J.

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Tr.C.M.P(MD)No.123 of 2022

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