



Tr.CMP(MD)No.119 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

Tr.CMP(MD)No.119 of 2023 &
C.M.P.(MD)No.2681 of 2023

B.Shupriya

... Petitioner

Vs.

R.Saravanan

...Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the petition in H.M.O.P.No.237 of 2022 from the file of the Sub Court, Devakottai and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.M.Saravanan

For Respondent : Mr.G.Thalaimutharasu



Tr.CMP(MD)No.119 of 2023

WEB COPY

ORDER

The petitioner has filed this Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.237 of 2022 on the file of the Sub Court, Devakottai to the file of the Family Court, Madurai.

2. The learned counsel for the respondent submits that he has no objection for transfer of the case to the Sub Court, Sivagangai.

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

4. In the affidavit filed in support of the petition, the petitioner has stated as follows.

"3...I have to travel more than 8 hours to attend hearing at Devakottai. My aged father is not in a position to accompany me. Further, the respondent and his maternal uncle Sekar are influential persons and it is impossible for me to attend hearing alone at Devakottai.



WEB COPY



Tr.CMP(MD)No.119 of 2023

Further the respondent is working at Chennai and he deliberately filed the H.M.O.P. at Devakottai in order to prevent me from defending the case. Hence in the interest of justice, the petition in H.M.O.P.No.237 of 2022 has to be withdrawn from the file of Sub Court, Devakottai and transferred the same to Family Court, Madurai. Now the H.M.O.P.No.237 of 2022 is posted to 30.03.2023. Unless all further proceedings in H.M.O.P.No.237 of 2022 is stayed, I would be put to irreparable loss and serious hardships. On the other hand, no prejudice would be caused to the respondent."

5. The petitioner is residing in Madurai and H.M.O.P. has been filed before the Sub Court, Devakottai. Transferring the case to Sivagangai at the convenience of the respondent will not serve ends of justice, as admittedly the petitioner is residing with her parents in Madurai.



WEB COPY



Tr.CMP(MD)No.119 of 2023

C.SARAVANAN, J.

mbi

6. Therefore, this Transfer Civil Miscellaneous Petition is allowed. H.M.O.P.No.237 of 2022 pending on the file of the Sub Court, Devakottai is transferred to the file of the Family Court, Madurai. The learned Family Judge, Madurai shall endeavour to refer the parties to Mediation and thereafter, proceed to pass final order in the above H.M.O.P. No costs. Consequently, the connected Miscellaneous Petition is closed.

18.04.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

mbi

Tr.CMP(MD)No.119 of 2023