



Tr.C.M.P(MD)No.123 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.04.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.123 of 2023

and

C.M.P(MD)No.2767 of 2023

K.Tamilarasi

... Petitioner/Respondent

Vs.

U.Maharaja

... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Code of Civil Procedure, to withdraw and transfer the divorce petition in H.M.O.P.No.21 of 2022 on the file of the Principal Sub Court, Tenkasi, to the file of Sub-Court, Sankarankovil.

For Petitioner : Mr.S.Sankar

For Respondent : No Appearance

ORDER

The present Transfer Civil miscellaneous Petition has been filed to transfer H.M.O.P.No.21 of 2022 from the Principal Sub Court, Tenkasi, to the Sub-Court, Sankarankovil.



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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 5 of the affidavit reads as under:-

“5..... At present I am living with my parents and I am not having any income at all. The respondent has paid me any single penni for my maintenance and I am entirely depending upon my aged parents for my daily basis needs. Tenkasi is about 60 kms from my village and without any income and support; it will be very diffucult for me to attend HMOP proceeding at Tenkasi and if the said proceeding is transferrd to sub court, Sankarankovil, it would be easier for me to defend the proceeding. The respondent would not have any grievance or prejudice over the transfer of the divorce proceedings in HMOP.No.21 of 2022 on the file of the Principal Sub Court, Tenkasi, to the file Sub Court, Sankarankovil.”

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.21 of 2022 is transferred from the file of Principal Sub Court, Tenkasi to Sub Court, Sankarankovil. The Sub Court, Sankarankovil, shall endeavour to complete the proceedings preferably



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within a period of 12 months 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.

13.04.2023

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

To

- 1.The Principal Sub Court, Tenkasi.
- 2.The Sub Court, Sankarankovil.



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C.SARAVANAN ,J.

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