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Tr CMP (MD) No.187 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.187 of 2023

and

C.M.P.(MD)No.4043 of 2023

M.M.M.Kala

... Petitioner/Respondent

-VS-

K.P.R.Varatharajan @ Murugan

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the H.M.O.P.No.12 of 2023 on the file of the Sub Court, Vallioor and to the Family Court, Kanyakumari at Nagercoil.

For Petitioner : Mr.V.T.Balaji
For Respondent : Mr.N.Syed Ali

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of Sub Court, Valliyoor in H.M.O.P. No.12 of 2023 and transfer the same to the Family Court, Kanyakumari at Nagercoil.



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2.Paragraph nos.7, 8, 9 of the affidavit reads as under:-

“7.I state that being a women and I am suffering with serious health issue namely Acute Pulmonary Thromboembolism Menorrhagia with Anemia and I am being frequently hospitalized at Kims Hospital for the above said problem and presently taking treatment for the same. And further I am unemployed and I have no other source of income and I am struggling in my day today life with my son and my age old parents. I further state that since I have a son who is studying in college I cannot travel to Vallioor to attend the above said H.M.O.P.No.12 of 2023.

8.I state that unless the H.M.O.P.No.12 of 2023 on the file of the Subordinate Judge, at Vallioor is transferred to the Family Court at Kanyakumari where the maintenance case in M.C.No.2 of 2002 is pending I will be put to serious hardship and injury.

9.I state that being a lady there is no one to support me or to accompany me I put to great hardship and injury because of the case filed by my husband at Vallioor which is more than 30 km away from my residence whereas the respondent is regularly attending the case filed by me in M.C.No.2 of 2022 on the file of Family Court, Kanyakumari and therefore, no prejudice would be caused to the respondent if the case is transferred to the Family Court at Kanyakumari.”

3.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. 12 of 2023 is transferred from the file of the Sub Court, Vallioor to Family Court,



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Kanyakumari at Nagercoil to be tried along with M.C.No.2 of 2022. The Family Court, Kanyakumari at Nagercoil, shall endeavour to complete the proceedings preferably within a period of 12 months from the date of receipt of copy of this order.

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

14.06.2023

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

To:

- 1.The Sub Court,
Vallioor.
- 2.The Family Court,
Kanyakumari at Nagercoil.



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C.SARAVANAN, J.

Mrn

Order made in
Tr.C.M.P.(MD) No.187 of 2023

Dated:

14.06.2023