



Tr.C.M.P.(MD)No.188 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.188 of 2023

and

C.M.P.(MD)No.4051 of 2023

Pavithra, W/o.Dinesh Kumar

.. Petitioner

Versus

Dinesh Kumar, S/o.Karuppaiah

.. Respondent

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.224 of 2022 pending before the Subordinate Court, Aruppukottai, and transfer the same to the Principal Subordinate Court, Madurai.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : No Appearance

ORDER

The petitioner has filed this Transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.224 of 2022 pending before the Subordinate Court, Aruppukottai, and transfer the same to the Principal Subordinate Court, Madurai.

2.Today, when the matter was taken up for hearing, there is no representation on behalf of the respondent, despite his name being printed in the cause list.



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3. In the affidavit filed in support of the present Transfer Civil Miscellaneous Petition, the petitioner has stated as follows:-

"6. I state that the respondent filed the above mentioned H.M.O.P. petition before The Honble Subordinate Judge, Aruppukottai. I am residing at Madurai District, the distance between Madurai to Sattur is nearly 65 kms. It would take 2 hours travels by road, being as a lady, it is very difficult to travel more than 60 kms for each and every hearing without any once help. Further the travel would very much affect my health. I am not earning person, moreover because of the mental agony and stress caused by the respondent and his parents I have to take medicines which also cause adverse side effects which will unbearable health hazard for me. I am afraid, the mental stress will further aggravate in these condition of stressful and painful travel. Further there is life threat to me and my family members at Aruppukottai by the respondent and his mother. I have no independent income to spend since I am not a working woman. Having my age old mother I am also helpless monetarily and forced to depend the help of other for each and everything which is also practically not possible for me to get in time. It will be very helpful to me to appear and conduct the case, if the petition filed by the respondent in H.M.O.P.No.224/2022 on the file of Subordinate Judge, Aruppukottai is transferred to Principal Subordinate Court, Madurai."

4. Being satisfied with the reasons given, this Court is inclined to dispose of this Petition, by directing transfer of H.M.O.P.No.224 of 2022 pending on the file of the Subordinate Court, Aruppukottai, to the file of the Family Court, Madurai. The learned Judge, Family Court, Madurai, shall dispose H.M.O.P.No.224 of 2022, as expeditiously as possible.



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5.This Transfer Civil Miscellaneous Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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13.06.2023

To

1.The Subordinate Judge,
Aruppukottai.

2.The Judge,
Family Court,
Madurai.



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Tr.C.M.P.(MD)No.188 of 2023

C.SARAVANAN, J.

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Order made in
Tr.C.M.P.(MD)No.188 of 2023

13.06.2023