



WEB COPY



Tr.C.M.P.(MD)No.213 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.213 of 2023

and

C.M.P.(MD)No.4563 of 2023

Guru Devi, W/o.Prabhu

.. Petitioner

Versus

S.Prabhu

.. Respondent

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.251 of 2022 from the file of the Sub Court, Uthamapalayam and transfer the same to the file of Sub Court, Tirumangalam.

For Petitioner : Mr.S.Mariselvam

For Respondent : No Appearance

ORDER

The petitioner has filed this Transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.251 of 2022 from the file of the Sub Court, Uthamapalayam and transfer the same to the file of the Sub Court, Tirumangalam.

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



3.The petitioner has expressed her difficulties in Paragraph No.7 of the affidavit filed in support of the present Transfer Civil Miscellaneous Petition, which reads as under:-

"7.I submit that I am having small female child aged about 4 years and I could not travel from Tirumangalam to Uthamapalayam for each and every hearing of the H.M.O.P.No.251 of 2022 on the file of the Sub Court, Uthamapalayam and there is 99 K.M distance between Tirumangalam to Uthamapalayam and travelling time is more than 3 hours and I am residing along with my aged parents and also I am having Vomit sensation during the bus travel. Under the above said circumstances, I approach this Hon'ble court and I file this Petition to transfer the H.M.O.P.No.251 of 2022 on the file of the Sub Court, Uthamapalayam to the Sub Court, Tirumangalam. Unless this Hon'ble court is pleased to grant an order of Interim stay to all further proceedings of the petition in H.M.O.P.No.251 of 2022 on the file of the Sub Court, Uthamapalayam, I will be put to irreparable loss and hardship."

4.Being satisfied with the reasons given, this Court is inclined to allow this Petition, by directing transfer of H.M.O.P.No.251 of 2022, pending on the file of the Sub Court, Uthamapalayam, to the file of the Sub Court, Tirumangalam. The learned Sub Judge, Tirumangalam, shall dispose H.M.O.P.No.251 of 2022, as expeditiously as possible.

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

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
smn2

28.06.2023



Tr.C.M.P.(MD)No.213 of 2023

1.The Sub Judge,
Uthamapalayam.

2.The Sub Judge,
Tirumangalam.



WEB COPY



Tr.C.M.P.(MD)No.213 of 2023

C.SARAVANAN, J.

smn2

Order made in
Tr.C.M.P.(MD)No.213 of 2023

28.06.2023