



WEB COPY



Tr.C.M.P.(MD)No.386 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.386 of 2021

and

C.M.P.(MD)No.7639 of 2021

T.Vithyaa

.. Petitioner

Versus

S.Nivas

.. Respondent

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.1667 of 2021, pending on the file of the Sub Court, Alandur, Kanchipuram District, and transfer the same to the file of the Principal Subordinate Court, Palani, Dindigul District.

For Petitioner : Mr.K.N.Guru

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.1667 of 2021, pending on the file of the Sub Court, Alandur, Kanchipuram District, and transfer the same to the file of the Principal Subordinate Court, Palani, Dindigul District.

2.The earlier attempt to serve notice on the respondent had remained futile and therefore, fresh notice was ordered by substituted service on the counsel, who



appears for the respondent in H.M.O.P.No.1667 of 2021 before the Subordinate Court, Alandur, Kanchipuram District. Though the notice has been served on the counsel, who appears for the respondent before the Subordinate Court, Alandur, Kanchipuram District and his name is also printed in the cause list, there is no representation on behalf of the respondent.

3.In Paragraph Nos.15 to 17 of the affidavit filed in support of the Transfer Civil Miscellaneous Petition, the petitioner has stated as follows:-

"15.It is further submit that, at present the Petitioner is under the care and protection of her Father aged about 73 years. It is further submitted that the Petitioner is a nursing mother and not used to travel alone. Hence the Petitioner has to seek the help of her Father for each and every hearing. Alandur is around 473kms away from the Petitioner's maternal residence and she will be put severe hardships and untold sufferings if she has to travel from Palani to Alandur for attending Court hearings.

16. I further submit that the respondent is a highly influential person in Chennai and as such there is threat to my life and limb When I attend the Court hearings.

17. I further submit that I am residing with my age old poor parents and there is no one to accompany me to travel 473 kms to attend the Court hearings and moreover being a lady and a nursing mother, I find it very difficult to travel 473 kms alone."



Tr.C.M.P.(MD)No.386 of 2021

4. Being satisfied with the reasons given, this Court is inclined to dispose of this Transfer Civil Miscellaneous Petition. Accordingly, there shall be a direction for transfer of H.M.O.P.No.1667 of 2021, pending on the file of the Sub Court, Alandur, Kanchipuram District, to the file of the Additional Sub Court, Palani. The learned Additional Sub Judge, Palani, shall endeavour to dispose of H.M.O.P.No.1667 of 2021, on it being re-numbered, as expeditiously as possible, preferably, within a period of 12 months from the date of receipt of a copy of this order.

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

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
To

21.04.2023

1. The Sub Judge,
Alandur, Kanchipuram District.
2. The Additional Subordinate Judge,
Palani, Dindigul District..



WEB COPY



Tr.C.M.P.(MD)No.386 of 2021

C.SARAVANAN, J.

smn2

Order made in
Tr.C.M.P.(MD)No.386 of 2021

21.04.2023