



Tr CMP (MD) No.429 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.429 of 2022

and

C.M.P.(MD)No.7013 of 2022

R.Shivani

... Petitioner/Respondent

-VS-

S.Rameshkannan

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.43 of 2022 on the file of the Family Court, Pudukkottai and transfer the same to the file of the Sub Court, Thiruvarur.

For Petitioner : Mr.T.Thirumurugan

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of Family Court, Pudukkottai in H.M.O.P. No.43 of 2022 and transfer the same to the Sub Court, Thiruvarur.

2.Despite notice being served through Court and privately on the



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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 12 to 14 of the affidavit reads as under:-

“12..... I further submit that I was already subjected to mental agony and harassment by the respondent and now he further harassed me by way of filing this petition at Pudukkottai. Now I am residing at Thiruvarur, which more than 240 kilometers from Thiruvarur to Pudukkottai up and down which consume 6 hours. I am a woman having two children and there is no possibility to appear before the Hon'ble Family Court, Pudukkottai after long journey of more than 240 kilometers. Moreover I might be harassed by the respondent and his family members to the presence in the Court proceedings.

13..... If the case in H.M.O.P.No.43 of 2022 is transferred to Thiruvarur no hardship would be caused to the respondent herein and it would be more helpful and convenient for me to attend the cases and no prejudice would be caused to the respondent. That I have residing at Thiruvarur District and it is my parental home and I am residing with my parents support. So it is necessary to conduct the case at Thiruvarur District Court, which is nearer to my residence.

14..... I respectfully submit that now that the above case of H.M.O.P.No.43 of 2022 on the file of the Hon'ble Family Court, Pudukkottai is at the stage of first hearing, if the case before the Hon'ble Family Court, Pudukkottai is preceded further I will be put to great hardship and irreparable loss. Hence, it is just and necessary to stay all further proceedings in H.M.O.P.No.43 of 2022 on the file of the Hon'ble Family Court, Pudukkottai and pending disposal of the above transfer petition.”



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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.43 of 2022 is transferred from the file of Family Court, Pudukkottai to Sub Court, Thiruvarur. The learned Sub Judge, Thiruvarur, shall endeavour to complete the proceedings preferably 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.

21.06.2023

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

1. The Judge, Family Court, Pudukkottai.
2. The Subordinate Judge, Thiruvarur.



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C.SARAVANAN, J.

Mrn

Order made in
Tr.C.M.P.(MD) No.429 of 2022

Dated:

21.06.2023