



Tr.C.M.P(MD)No.467 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P(MD)No.467 of 2022

and

C.M.P(MD)No.7609 of 2022

S.Latha ... Petitioner/ Respondent
Vs.

D.Santhosh Balaji ... Respondent/ Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 r/w Order Rule 1(2) of the Code of Civil Procedure, to withdraw H.M.O.P.No.4 of 2019 from the file of the Subordinate Court, Kangeyam and transfer the same to the file of the Subordinate Court, Karur.

For Petitioner : Mr.V.Sukumar
For Respondent : Mr.G.Balaji

ORDER

The present transfer civil miscellaneous petition has been filed by the wife seeking to transfer H.M.O.P.No.45 of 2019 filed by the husband and pending before the Subordinate Court, Kangeyam.



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2. Normally, this Court transfers the H.M.O.P., to the Court of jurisdiction, in which the wife is residing. However, the present case has been filed by the husband in the year 2019 and the trial has begun before the Subordinate Court, Kangeyam. Belatedly, the transfer civil miscellaneous petition has been filed. Therefore, in view of the said facts, this Court is not inclined to transfer the H.M.O.P.No.45 of 2019 pending before the Subordinate Court, Kangeyam, to Subordinate Court, Karur. However, the learned Subordinate Judge, Kangeyam, is directed to dispose of H.M.O.P.No.45 of 2019 on or before 30.06.2023 without insisting upon the personal appearance of the wife unless her personal appearance is compulsorily required.

3. With the above observation, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

01.03.2023

NCC : Yes / No

Index : Yes / No

Rmk

To

1.The Subordinate Judge, Kangeyam.



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R.VIJAYAKUMAR ,J.

Rmk

Order made in
Tr.C.M.P(MD)No.467 of 2022

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