



Tr CMP (MD) No. 489 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.489 of 2022

and

CMP(MD)No.7807 of 2022

Kamalam @ Sandhiya

... Petitioner/Respondent

-vs-

K.Suriyaprakash

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.1420 of 2021 on the file of the Subordinate Court, Alandur and transfer the same to the file of Additional Subordinate Court, Tirunelveli to be tried along with H.M.O.P.No.49 of 2022.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.K.Lakshmi Parvathi

ORDER

The present transfer civil miscellaneous petition has been filed to transfer H.M.O.P.No.1420 of 2021 from the Subordinate Court, Alandur, to the Additional Subordinate Court, Tirunelveli, and to try along with the case in H.M.O.P.No.49 of 2022 on the file of Additional Subordinate Court, Tirunelveli.



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2.The learned counsel for the respondent is present before this Court and seeks further time for filing counter after appearance given long back.

3.The petitioner expressed her difficulties in paragraph 4 of the affidavit filed in support of the present Transfer Civil Miscellaneous Petition which reads as under:-

“4.I further submit that the respondent herein is residing in Chennai and I am residing in Tirunelveli. The Respondent herein for his own convenience has filed the above HMOP.No. At Alandur. Now, I am living with my age old parents. The respondent did not give single penny for maintenance of myself and m y son. Off late, it came to light that his intention is only to thwarter myself and my parents by dodging us to Alandur. Being a female gender, I solely depend on my parents to attend the above case. I have to travel from Tirunelveli to Alandur nearly 620 kilometers which may take minimum of 10 hours to travel on road. My parents are suffering from age old ailments. They are not in a position to accompany me to attend the hearing at Alandur. Taking advantage of the same, the respondent started to threaten myself to withdraw the petition for restitution. Further, he may do anything to achieve his needs and I am scared of going to Alandur alone.”

4.The petitioner is aged about 32 years and is depending on her parents for her maintenance and she has no means to support herself. The petitioner is also taking care of a male child aged about 5 years.



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5.Considering the above, H.M.O.P.No.1420 of 2021 is directed to be transferred from Subordinate Court, Alandur, to Additional Subordinate Court, Tirunelveli, for being tried along with H.M.O.P.No.49 of 2022. The Additional Subordinate Court, Tirunelveli, shall endeavour to dispose the respective proceedings as expeditiously as possible preferably within a period of 12 months from the date of receipt of a copy of this order.

6.With the above observation, this Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

24.04.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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C.SARAVANAN, J.

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To:

- 1.The Subordinate Court,
Alandur.
- 2.The Additional Subordinate Court,
Tirunelveli.

Order made in
Tr.C.M.P.(MD) No.489 of 2022
and
CMP(MD)No.7807 of 2022

Dated:

24.04.2023