



TR.CMP.(MD)No.471 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

TR.CMP.(MD)No.471 of 2023
and
C.M.P.(MD)No.10187 of 2023

V.Subashini

... Petitioners

Vs.

T.Umapathi

... Respondent

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 r/w Section 151 CPC, to withdraw the petition in HMOP.No.256 of 2022 on the file of the learned Subordinate Court, Trichy and transfer the same to the Sub Court, Madurai.

For Petitioners

: Mrs.Chamundi Bose

ORDER

This transfer civil revision petition has been filed to withdraw the petition in HMOP.No.256 of 2022 on the file of the learned Subordinate Court, Trichy and transfer the same to the Sub Court, Madurai.



TR.CMP.(MD)No.471 of 2023

WEB COPY

2.The learned counsel appearing for the petitioner would submit that the respondent herein filed a petition in HMOP.No.256 of 2022 seeking divorce and the same is pending on the file of the Subordinate Court, Trichy, that the petitioner is residing at Madurai and that therefore, since the petition is pending from the year 2022, she was constrained to filed the present petition.

3.The learned counsel appearing for the respondent would submit that the petitioner in her counter stated that she has no objection to grant the relief claimed by the respondent except the allegations made against her and that therefore, there is no need to transfer the case.

4.The learned counsel appearing for the petitioner would submit that when the averments in the counter statement were brought to the knowledge of the learned Subordinate Judge, directed the parties to exchange the articles available between them and that despite lapse of three years, the respondent has not chosen to return the articles so far.

5.Considering the submissions made on either side and also the fact that the petitioner is residing at Madurai, this Court is inclined to transfer the case in HMOP.No.256 of 2022. Accordingly, the petition in HMOP.



TR.CMP.(MD)No.471 of 2023

WEB COPY

No.256 of 2022 is ordered to be withdrawn from the file of the Subordinate Court, Trichy and the same is transferred to the file of the 3rd Additional Sub Court, Madurai.

6.At this juncture, the learned counsel appearing for the respondent would submit that the learned Subordinate Judge, Madurai may be directed to dispose the case, within a stipulated time. Considering the counter statement filed by the petitioner and other facts and circumstances, the learned Third Additional Subordinate Judge, Madurai is directed to dispose the petition in HMOP.No.256 of 2022, within a period of three months from the date of receipt of the entire case records.

7.In the result, this civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

10.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
gns



WEB COPY



TR.CMP.(MD)No.471 of 2023

K.MURALI SHANKAR,J.

gns

To

- 1.The Subordinate Court,
Trichy
- 2.The III Additional Sub Court,
Madurai.

TR.CMP.(MD)No.471 of 2023

10.11.2023