



TR.C.M.P(MD).No.513 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**TR.C.M.P(MD).No.513 of 2022**

**and**

**C.M.P(MD).No.8087 of 2022**

N.Pandialakshmi

... Petitioner

v.

G.Lingaeswaran

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C to withdraw the case in HMOP.No.211 of 2022 on the file of the Family Court, Theni and transfer the same to the Sub Court, Virudhunagar.

For Petitioner : Mr.M.Musthafakhan

For Respondent : Mr.R.Shankar Ganesh



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## **ORDER**

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of the case in HMOP.No.211 of 2022 from the file of the Family Court, Theni to the file of the Sub Court, Virudhunagar.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 01.02.2017 and out of the wedlock, they are having a child. Due to some misunderstanding, now, they are living separately and the respondent has filed HMOP.No.90 of 2020 before the Sub Court, Theni, seeking divorce. The petition was transferred and is pending in HMOP.No.211 of 2022 before the Family Court, Theni. The petitioner is residing at Virudhunagar and she filed the present Transfer Civil Miscellaneous Petition to transfer the case in HMOP.No.211 of 2022 from the file of the Family Court, Theni, to the file of the Sub Court, Virudhunagar.



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**WEB COP 3.** The learned counsel appearing for the petitioner submitted that the petitioner is working as a Doctor in a Primary Health Centre at Karungalakudi, Melur and she is also having a five year old child. She has to take care of her child as well as her aged parents. She is travelling between Virudhunagar and Melur, in view of her profession. Therefore, she finds it difficult to travel and appear before the Family Court, Theni, for each and every hearing.

4. The learned counsel appearing for the respondent submitted that the petitioner is working as a Doctor at Karungalakudi, Melur and she is also staying at Melur. However, she has filed this application to transfer the proceedings to Virudhunagar, in order to harass this respondent.

5. Considering the rival submissions made, this Court, in the interest of both the parties, is inclined to transfer the proceedings in HMOP.No.211 of 2022 from the file of the Family Court, Theni, to the file of the Family Court, Madurai, instead of Sub Court, Virudhunagar.



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6. In the light of the above, this transfer civil miscellaneous petition stands allowed. The proceedings in HMOP.No.211 of 2022 pending on the file of the Family Court, Theni, is withdrawn and ordered to be transferred to the file of the Family Court, Madurai. The learned Judge, Family Court, Theni, is directed to transmit the entire case records to the Family Court, Madurai, forthwith. The learned Judge, Family Court, Madurai, shall expedite the proceedings and shall endeavour to dispose of the same as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No  
Internet: Yes / No  
gk

**27.01.2023**

To

1. The Family Court,  
Theni.
2. The Family Court,  
Madurai.



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**B.PUGALENDHI, J.**

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