



Tr.C.M.P.(MD)No.467 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.467 of 2023

and

C.M.P.(MD)No.10151 of 2023

Valliyammai @ Vallikannu

... Petitioner/Respondent-Wife

Vs.

Kannan Veera @ Meiyyappan

... Respondent/
Petitioner-Husband

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 C.P.C., to withdraw the petitioner in H.M.O.P.No.178 of 2023, on the file of the Family Court, Thiruppur and transfer the same to the Sub Court, Pudukkottai.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.R.N.Arun Swaminathan



Tr.C.M.P.(MD)No.467 of 2023

WEB COPY

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the petition in H.M.O.P.No.178 of 2023, on the file of the Family Court, Thiruppur and transfer the same to the Sub Court, Pudukkottai.

2. Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respondent and perused the materials placed on record.

3. It is not in dispute that the marriage between the parties was solemnised on 10.09.2021. The learned Counsel for the petitioner would submit that the respondent has filed a petition in H.M.O.P.No.178 of 2023 to annul the marriage on the ground that the marriage was not consummated. The learned Counsel would further submit that the petitioner is residing in Kottur, Pudukkottai District and she finds it difficult to travel to Thiruppur to attend the present case and that is why she was constrained to file the above application seeking transfer.



Tr.C.M.P.(MD)No.467 of 2023

WEB COPY

4. The learned Counsel for the respondent would submit that the respondent is having Retinitis Pigmentosa and that the Medical Board has also assessed his disability at 75% and as such the respondent finds it difficult to travel outside Thiruppur.

5. When the matter is taken up for hearing, the learned Counsel appearing for the petitioner as well as the respondent would submit that the case may be transferred to the newly constituted Subordinate Court at Thirumayam.

6. Considering the submission made by the learned Counsel appearing on either side and also taking note of the facts and circumstances of the case, this Court is inclined to transfer the petitioner in H.M.O.P.No.178 of 2023, from the file of the Family Court, Thiruppur, to the file of the Subordinate Court, Thirumayam, Pudukkottai.

7. Accordingly, the learned Judge, Family Court, is hereby directed to transmit the entire records in H.M.O.P.No.178 of 2023 to the file of the Subordinate Court, Thirumayam within a period of 10 days from the date



Tr.C.M.P.(MD)No.467 of 2023

WEB COPY

of receipt of a copy of this order and on receiving the case bundle, the learned Subordinate Judge, Thirumayam, is directed to take up the petition on file and proceed in accordance with law. Considering the nature of illness suffered by the respondent, he is at liberty to approach the concerned Court for dispense with his personal hearings and on filing of such application, the learned Subordinate Judge, Thirumayam is directed to consider the same, taking note of his health condition.

8. With the above direction, this Transfer Civil Miscellaneous Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

13.12.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
SSL
To

1. The Family Court, Thiruppur.
2. The Subordinate Court, Thirumayam, Pudukkottai District.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P.(MD)No.467 of 2023

K.MURALI SHANKAR,J.

SSL

TTr.C.M.P.(MD)No.467 of 2023
and
C.M.P.(MD)No.10151 of 2023

Dated : 13.12.2023