



Tr.C.M.P.(MD)No.806 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD)No.806 of 2022

and

C.M.P.(MD)No.12807 of 2022

Goweri, D/o.Ayyanar

.. Petitioner

Versus

Anand Viswanath, S/o.M.Rajan

.. Respondent

Prayer :- Petition filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.996 of 2021 from the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Uthamapalayam.

For Petitioner : Mr.K.Selvam

For Respondent : No Appearance

ORDER

The petitioner has filed this Transfer Civil Miscellaneous Petition seeking to withdraw the case in H.M.O.P.No.996 of 2021 from the file of the Family Court, Madurai and transfer the same to the file of the Sub Court, Uthamapalayam.

2.The notice taken out on the respondent was returned as "refused".

Therefore, the petitioner was directed to serve notice on the counsel who represents



the respondent before the Family Court, Madurai. Accordingly, notice was served on Mr.N.Manimaran, learned counsel, who represents the respondent before the Family Court, Madurai and he appeared before this Court on 19.06.2023 through Video Conferencing and sought time to file vakalat and counter. At his request, the matter was directed to be listed today. However, today when the matter is taken for hearing, there is no representation on behalf of the respondent. Considering the fact that his name is printed in the cause list and there is no representation on behalf of the respondent, this Court is inclined to dispose this Transfer Civil Miscellaneous Petition in the light of the averments made in the affidavit filed in support of the petition.

3.In the affidavit filed in support of the present Transfer Civil Miscellaneous Petition, the petitioner has stated as follows:-

"4.I humbly submit that I am being a lady and living in home at Uthamapalayam, Theni District. It is very difficult to attend the case at Madurai; as such to take care of his daily needs my presence is an essential one for them. Further the respondent has not paid any amount of maintenance till date and I have to come to Madurai to attend the said case, it's a difficult one for me to attend the said case, travelling nearly 130 kilometers from Uthamapalayam to Madurai, after coming to Madurai from Uthamapalayam, which is nearly 160 kilometers.

5.I humbly submit that in the said circumstances if the case is transferred to the Sub Court, Uthamapalayam. I can come and attend the case from Uthamapalayam and the respondent also come and attends the said case without any difficulty. Hence I file this petition. Further during pendency of the above petition all further proceedings in the petition has to be stayed. Unless the case is transferred to Sub Court, Uthamapalayam, I will be put to irreparable loss and immense hardship."



Tr.C.M.P.(MD)No.806 of 2022

4. Being satisfied with the reasons given, this Court is inclined to allow this Petition, by directing transfer of H.M.O.P.No.996 of 2021, pending on the file of the Family Court, Madurai, to the file of Sub Court, Uthamapalayam. The Sub Judge, Uthamapalayam, shall dispose H.M.O.P.No.996 of 2021, as expeditiously as possible.

5. This Transfer Civil Miscellaneous Petition stands allowed with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
smn2

26.06.2023

To

1. The Judge,
Family Court,
Madurai.

2. The Sub Judge,
Uthamapalayam.



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C.SARAVANAN, J.

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Order made in
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