



Tr.C.M.P(MD).No.536 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.536 of 2023
and
C.M.P.(MD).No.11916 of 2023

Eswaran : Petitioner

Vs.

Sathya : Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Civil Procedure Code, to withdraw the case in M.C.No.7 of 2022 pending on the file of the learned Judicial Magistrate No.II, Usilampatti, Madurai District and transfer the same to the file of the Family Court, Coimbatore.

For Petitioner : Mr.M.Alaudheen

For Respondent : Mr.D.Venkatachalam

ORDER

The Civil Revision Petition has been filed to seeking orders to transfer the case in M.C.No.7 of 2022 pending on the file of the learned Judicial Magistrate No.II, Usilampatti, Madurai District to transfer the same to the Family Court, Coimbatore.



Tr.C.M.P(MD).No.536 of 2023

WEB COPY

2.The learned counsel appearing for the petitioner would submit that the petitioner is now working and residing at Coimbatore and he has been taking care of two children and hence, the petitioner has filed the above application seeking to transfer.

3.The learned counsel appearing for the respondent would submit that the petitioner is not allowing the respondent to see her children and that the petitioner has miserably failed to take care of them, she has filed the maintenance case.

4.As rightly pointed out by the learned counsel appearing for the respondent, if the case is transferred from Madurai to Coimbatore, the respondent has to travel 400 kms. But the learned counsel for the petitioner would submit that the case may be transferred to Judicial Magistrate, Dindigul.

5.The learned counsel appearing for the respondent would submit that the petitioner may be directed to pay travel expenses for the respondent for travelling from Madurai to Dindigul in the case of transfer.



Tr.C.M.P(MD).No.536 of 2023

WEB COPY

6.Considering the facts and circumstances of the case and also taking note of the fact that the petitioner is now residing at Coimbatore with two children, the case in M.C.No.7 of 2022 is hereby withdrawn and transferred to the file of the learned Judicial Magistrate No.2, Dindigul. The learned Judicial Magistrate No.II, Usilampatti, Madurai District is directed to send the records relating the case in M.C.No.7 of 2022 to the learned Judicial Magistrate No.2, Dindigul, within a period of Ten(10) days from the date of receipt of copy of this order and on receipt of the same, the learned Judicial Magistrate No.2, Dindigul, is directed to take the case on file immediately and proceed in accordance with law. The petitioner is directed to pay a sum of Rs.500/- to the respondent for each and every hearing of the above case.

7.With the above observation and direction, the Transfer Civil Miscellaneous Petition is disposed of. No costs.

08.11.2023

NCC : Yes/No
Index : Yes/No



Tr.C.M.P(MD).No.536 of 2023

Internet : Yes/No

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K.MURALI SHANKAR, J.

vsg

To

1.The learned Judicial Magistrate No.II,
Usilampatti, Madurai District.

2.The learned Judicial Magistrate No.2,
Dindigul District.

Tr.C.M.P (MD).No.536 of 2023

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