



Tr.C.M.P(MD).No.623 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2023

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P (MD).No.623 of 2023

and

C.M.P(MD)No.13923 of 2023

K.Muthukarthika

: Petitioner/Respondent

Vs.

S.Kiran Nivas Shankar

: Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.118 of 2023 on the file of the Subordinate Court, Sattur and transfer the same to the Family Court at Tirunelveli.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mr.S.Mahalakshmi

ORDER

The Transfer Civil Miscellaneous Petition has been filed to seeking orders to withdraw the case in H.M.O.P.No.118 of 2023 on the file of the Subordinate Court, Sattur and transfer the same to the Family Court at Tirunelveli.



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2.The respondent has filed counter affidavit raising serious objections.

The learned counsel for the respondent would submit that the respondent is working as Social Security Officer at E.S.I, corporation, Sivakasi and it is very difficult to travel to Tirunelveli for every week for the hearing in H.M.O.P.No.118 of 2023.

3. It is not in dispute that the respondent is working in Sivakasi and residing at Sattur, Virudhunagar District and whereas the petitioner is a resident of Thoothukudi District and she is working as Teacher in a private school, Tirunelveli.

4. Without going into the allegations and counter allegations levelled by both the parties, considering the fact that the petitioner is now working at Tirunelveli, this Court is inclined to transfer the case from the file of the Sub Court, Sattur to the file of Family Court, Tirunelveli.

5.Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.118 of 2023 on the file of the Sub Court, Sattur, is hereby withdrawn and transferred to the file of the Family Court, Tirunelveli.



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The learned Subordinate Judge, Sattur, is directed to transmit the records relating to the case in H.M.O.P.No.118 of 2023 to the Family Court, Tirunelveli within a period of ten days from the date of receipt of copy of this order and on receipt of the same, the learned Judge, Family Court, Tirunelveli, is directed to take the same on file and proceed in accordance with law. However, the respondent is at liberty to file necessary application before the concerned Court for dispensing with his appearance and on such filing of application, the learned trial Judge is directed to consider the same.

6. With the above observation and direction, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

17.11.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das



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K.MURALI SHANKAR, J.

das

To

- 1.The Judge, Family Court,
Tirunelveli.
- 2.The Subordinate Judge,
Sattur.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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