



Tr.C.M.P.(MD)No.752 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P.(MD)No.752 of 2022

and

C.M.P.(MD)No.12081 of 2022

G.Kalaivani

... Petitioner/ Respondent

Vs.

D.Prabhu

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw and transfer the above H.M.O.P.No.542 of 2022 on the file of the Sub Court, Alandur to the Family Court, Madurai.

For Petitioner : Mr.A.R.Kannappan

For Respondent : Mr.D.S.Haroon Rasheed



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ORDER

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The present petition has been filed by the wife, seeking transfer of the case in H.M.O.P.No.542 of 2022 pending on the file of the Sub Court, Alandur to be transferred to the Family Court, Madurai.

2. According to the learned counsel appearing for the petitioner / wife, the petitioner / wife is a resident of Madurai along with her two minor children, out of them, one of the child, namely, Master P.Tharun is a special child studying at Bala Siksha Sahayata, Special School for Children under the Autism Spectrum Disorder, Veerapanjan, Madurai. He has also produced a certificate to that effect.

3. The learned counsel appearing for the respondent / husband submits that if the case is transferred to the Family Court, Madurai, the respondent / husband will be insisted for personal appearance for every hearing.

4. Considering the fact that the petitioner / wife is a permanent resident at Madurai and taking care of her two minor children, out of



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them, one of the child is a special child, this Court is inclined to transfer H.M.O.P.No.542 of 2022 to Principal Subordinate Court, Madurai. Accordingly, H.M.O.P.No.542 of 2022 pending on the file of Sub Court, Alandur is hereby withdrawn and transferred to Principal Subordinate Court, Madurai.

5. The learned Principal Subordinate Judge, Madurai, may either try the case in H.M.O.P.No.542 of 2022 by himself or transfer the same to any other competent Sub Court at Madurai.

6. With the above said observations, this Transfer Civil Miscellaneous Petition stands allowed to that extent as stated above. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

24.02.2023

NCC : Yes / No
Index : Yes / No
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R.VIJAYAKUMAR, J.

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To

- 1.The Sub Court, Alandur.
- 2.The Principal Subordinate Court, Madurai.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Tr.C.M.P.(MD)No.752 of 2022

24.02.2023