



WEB COPY



Tr.C.M.P.No.628 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.628 of 2024
and C.M.P.No.13360 of 2024

Jayasudha .. Petitioner

Versus

Manikandan .. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to allow this Transfer Civil Miscellaneous Petition and withdraw H.M.O.P.No.86 of 2023 from the file of the Family Court, Nagapattinam and transfer it to the file of the Sub-Court at Sirkazhi in accordance with law.

For Petitioner : Mr.J.Chandran Sundar Sashikumar

For Respondent : Mr.A.R.Uma Shankar
for Dr.R.Sampath Kumar

ORDER

The petitioner is married to the respondent on 12.02.2017. Due to disputes and differences, the parties separated in the year 2023. The respondent initiated H.M.O.P.No.86 of 2023 on the file of the Family Court



Tr.C.M.P.No.628 of 2024

WEB COPY

at Nagapattinam. The wife initiated D.V.C.No.1 of 2024 on the file of the Judicial Magistrate Court at Sirkazhi. Pleading that the distance between Sirkazhi and Nagapattinam is about 120 kms (both ways), she has moved this Transfer Civil Miscellaneous Petition.

2. Notice was ordered in this petition on 15.07.2024. The respondent was served and has entered appearance through Mr.A.R.Uma Shankar, learned Counsel representing Dr.R.Sampath Kumar, learned Counsel.

3. A perusal of the papers shows that the petitioner is a permanent resident of Samiam village, Sirkazhi taluk. To travel from Sirkazhi to Nagapattinam, it will be difficult considering that the petitioner is aged about 27 years. Apart from that, the respondent/husband is already appearing before the learned Judicial Magistrate at Sirkazhi in D.V.C.No.1 of 2024. The affidavit reads that the respondent also has a Travel Agency. Hence, issue of travel would not be difficult for him.

4. Considering the overall circumstances, H.M.O.P.No.86 of 2023 on the file of the Family Court at Nagapattinam is withdrawn and transferred to



Tr.C.M.P.No.628 of 2024

WEB COPY

the file of the Sub-Court at Sirkazhi. The learned Judicial Magistrate at Sirkazhi is requested to give a date which coincides with the hearing of the proceeding before the Sub-Court at Sirkazhi so as to obviate the necessity for the husband to travel twice to contest the proceedings.

5. With the above observations, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Family Court,
Nagapattinam.
2. The Sub-Court,
Sirkazhi.
3. The Judicial Magistrate Court,
Sirkazhi.



WEB COPY



Tr.C.M.P.No.628 of 2024

V.LAKSHMINARAYANAN, J.

grs

Tr.C.M.P.No.628 of 2024
and C.M.P.No.13360 of 2024

18.10.2024