



Tr Cmp.No. 738 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Tr CMP.No. 738 of 2023

and

CMP.No. 17907 of 2023

K. Navamani

... Petitioner

/vs/

B. Sudhakaran

... Respondent

PRAYER : This Transfer Civil Miscellaneous Petition has been filed under Section 24 of Civil Procedure Code to withdraw the case in HMOP No.78 of 2022 pending on the file of Family Court, Thiruppur and transfer the same to the file of the Sub-Court, Sathyamangalam to be jointly tried with HMOP No.33 of 2023.

For Petitioner

... Mr. J. Titus Enock



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ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the case in H.M.O.P.No.78 of 2022 from the file of Family Court, Thiruppur, to the file of the Sub Court, Sathyamangalam and tried jointly with H.M.O.P.No.33 of 2023.

2.The learned counsel appearing for the petitioner submitted that the petitioner is wife and the respondent is husband. They have one male child namely Hariharan, aged about 12 years. In the year 2020, the respondent assaulted the petitioner by demanding dowry, and she suffered with injury on his head and since the subsequent efforts taken by her to live with the respondent failed, she is living with her parents at Sathyamangalam. The distance between Thiruppur and Sathyamangalam is 60 k.m.,. Due to the injury caused by the respondent, the petitioner is not in a position to travel to Thiruppur to attend the hearings. Hence, she prays to transfer the case in H.M.O.P.No.78 of 2022 from the file of the Family Court, Thiruppur to the file of the Sub Court, Sathyamangalam and to be tried jointly with



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H.M.O.P.No.33 of 2023 and prayed to allow the transfer civil miscellaneous petition.

3. Even though notice has been sent to the respondent and his name is also printed in the cause list, today when the matter is taken up for hearing, there is no representation on behalf of the respondent.

4. Considering the facts and circumstances and also considering the submission made by the learned counsel for the petitioner, this Court is inclined to transfer the H.M.O.P.No.78 of 2022 from the file of the Family Court, Thiruppur to the file of Sub Court, Sathyamangalam and the H.M.O.P. is directed to be tried jointly with H.M.O.P.No.33 of 2023.

5. In view of the above, H.M.O.P.No.78 of 2022 is directed to be withdrawn from the file of the Family Court, Thiruppur and transferred the same to the file of the Sub Court, Sathyamangalam and directed to be tried jointly with H.M.O.P.No.33 of 2023. The learned Judge, Family Court, Thiruppur, is hereby directed to send entire records to the Sub Court,



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Sathyamangalam, within a period of two weeks from the date of receipt of a copy of this order and the learned Judge, Sub Court, Sathyamangalam is directed to issue notice to the respondent and dispose of the cases as early as possible. The respondent is directed to appear before the trial Court as directed by it whenever his presence is necessary.

6. In the result, this Transfer Civil Miscellaneous Petition is allowed.

No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No

23.02.2024

mrp

To

1.The Family Court,
Thiruppur

2.The Sub Court,
Sathyamangalam.



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V.SIVAGNANAM ,J.

mrp

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