



TR CMP No.1221 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2024

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Tr.CMP No.1221 of 2023

and

CrI.M.P.No.29160 of 2023

P.V.Shakila

... Petitioner

Vs.

S.P.Neelakandan

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, 1908 to withdraw and transfer the Petition in H.M.O.P.No.137 of 2023 pending on the file of Family Court Judge, Nagercoil to the file of Sub Court, Tambaram.

For Petitioner : Mr.R.Lakshmiratan

For Respondent : No appearance



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ORDER

There is no representation for the respondent.

2. This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the Petition in H.M.O.P.No.137 of 2023 pending on the file of Family Court Judge, Nagercoil to the file of Sub Court, Tambaram.

3. The learned counsel for the petitioner submits that the petitioner is working and residing in Chennai. Now she is in her 9th month of pregnancy and she has been advised to be on rest and not to travel. Therefore, she is unable to attend the Family Court at Nagercoil. Hence, the petitioner seeks to withdraw HMOP.No.137 of 2023 from the file of the Family Court Judge, Nagercoil and transfer the same to the file of Sub Court, Tambaram.

4. On a perusal of the records, it is noticed that the respondent/



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husband and the petitioner/wife are working in Chennai and also the petitioner is now in her 9 month of pregnancy. Hence she is unable to attend the Family Court, Nagercoil.

5. In view of the submission made by the learned counsel for the petitioner and also considering the fact that the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the case to the Sub Court, Tambaram.

6. Accordingly, HMOP.No.137 of 2023 is hereby directed to be withdrawn from the file of the Family Court Judge, Nagercoil and transferred to the Sub Court, Tambaram. The Judge, Family Court Judge, Nagercoil is directed to send the entire records to the Sub Court, Tambaram within a period of two weeks from the date of receipt of a copy of this order and on receiving the same, the learned Judge, Sub Court, Tambaram is directed to issue notice to both parties and thereafter, dispose of the case on merits as early as possible.



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V.SIVAGNANAM, J.,

rpl

7. With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No
Internet: Yes/No
rpl

To

1. The Family Court Judge, Nagercoil.
2. The Sub Court, Tambaram.

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