



Tr.CMP.(MD)No.241 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2024

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THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.241 of 2024

and

C.M.P.(MD)No.5433 of 2024

Tamilselvi

.. Petitioner

Vs.

Silambarasan

.. Respondent

Prayer : The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in H.M.O.P.No.75 of 2022 on the file of the Sub Court, Usilampatti and transfer the same to the file of the Sub Court, Uthamapalayam.

For Petitioner : Mr.K.Bairavan

For Respondent : No Appearance



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ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in H.M.O.P.No.75 of 2022 on the file of the Sub Court, Usilampatti and transfer the same to the file of the Sub Court, Uthamapalayam.

2. The petitioner is the wife and the respondent is the husband. Their marriage was solemnized on 01.06.2014 as per Hindu Rites and Customs at Dharmasastha Thirumana Mahal, Usilampatti in Madurai. Out of the wedlock, a female child was born.

3. Due to disputes and differences, the parties are living separately. The respondent has initiated the proceeding seeking divorce in H.M.O.P.No.75 of 2022 on the file of the Sub Court, Usilampatti.

4. The name of the respondent has been printed in the cause list. Despite service of notice, the respondent/husband has neither entered appearance through a counsel nor in-person to oppose this transfer petition.



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5. Heard the learned counsel appearing for the petitioner.

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6. The learned counsel for the petitioner would submit that the petitioner/wife is the resident of Uthamapalayam Taluk, Theni District. The distance between Uthamapalayam and Usilampatti is around 110 Kms, and as the petitioner/wife, being a lady, finds it very difficult to travel such a long distance along with the 8 year old female child to attend the Court hearings at Usilampatti, she seeks transfer of proceeding from the file of the Sub Court, Usilampatti to the file of the Sub Court, Uthamapalayam.

7. Taking into consideration of the facts and circumstances of the case, and also considering the convenience of the wife, this Court is inclined to allow this transfer petition.

8. The learned Judge, Sub Court, Usilampatti is directed to transmit the entire records pertaining to the case in H.M.O.P.No.75 of 2022 within a period of three weeks from the date of receipt of a copy of this order to the Sub Court, Uthamapalayam. On receipt of such records, the learned Judge, Sub Court, Uthamapalayam is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.



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WEB COPY 9. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

20.08.2024

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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P. VADAMALAI, J.

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To

- 1.The learned Judge, Sub Court,
Usilampatti
- 2.The learned Judge, Sub Court,
Uthamapalayam

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and
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