



Tr.C.M.P(MD)No.237 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.07.2024**

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Tr.C.M.P(MD)No.237 of 2024

and

C.M.P(MD)No.5382 of 2024

Vijaychithra

... Petitioner/ Petitioner

Vs.

Pradeepkumar

... Respondent/ Respondent

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw and transfer the case in H.M.O.P.No.30 of 2024 on the file of the Sub Court, Kovilpatti and to transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.K.Prabhu

For Respondent : Mr.M.Pandian

ORDER

The wife has filed the present Transfer Civil Miscellaneous Petition with a prayer to withdraw and transfer the case in H.M.O.P.No.



Tr.C.M.P(MD)No.237 of 2024

30 of 2024 from the file of the Sub Court, Kovilpatti to the file of the Family Court, Madurai.

2. The learned counsel appearing for the respondent would oppose the said prayer only on the ground that the respondent is a Marine Engineer and if the matter is transferred from the file of the Sub Court to the file of the Family Court, he may not be in a position to appear in person.

3. I have carefully considered the rival submissions on either side and perused the material records of the case.

4. Considering the hardship pleaded by the petitioner wife, the case can be transferred. At the same time, since the respondent is a Marine Engineer, when he is on board on ship, he will not be able to appear in person. In such circumstances, the respondent husband can appear through video conferencing. It will also be open for the respondent husband to constitute a power of attorney to represent him for all the hearings. Such an application can be signed by the respondent



Tr.C.M.P(MD)No.237 of 2024

husband and for presentation of the petition, the presence of the respondent husband is not necessary and the petition can be taken on file, if presented by the power of attorney also. With the above said observations, H.M.O.P.No.30 of 2024 is withdrawn from the file of the Sub Court, Kovilpatti and transferred to the file of Family Court, Madurai.

5. Accordingly, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

03.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Sub Court,
Kovilpatti.
- 2.The Family Court,
Madurai.
- 3.The Record Keeper,

3/4



Tr.C.M.P(MD)No.237 of 2024

Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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D.BHARATHA CHAKRAVARTHY,J.

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Order made in
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