



Tr.C.M.P.(MD).No.463 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.02.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P.(MD).No.463 of 2023
and C.M.P.(MD).No.10014 of 2023

Mareeswari

... Petitioner/Respondent

Vs.

Murugesan

... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.268 of 2023 on the file of Family Court, Thoothukudi, Thoothukudi District and transfer the same to Sub-Court, Virudhunagar, Virudhunagar District.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.D.Venkatesh

ORDER

This petition has been filed to withdraw and transfer the case in H.M.O.P.No.268 of 2023 from the file of the learned Family Court, Thoothukudi, Thoothukudi District to the file of the Sub-Court,



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Virudhunagar, Virudhunagar District.

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2.The facts in brief:

The marriage was solemnized between the parties on 10.06.2018. Out of their wedlock they gave birth one female child. Thereafter, due to some misunderstanding they separated and the above said H.M.O.P. proceedings was initiated by the respondent before the Family Court, Thoothukudi, Thoothukudi District. In the meantime, the petitioner filed D.V.C.No.20 of 2023 before the learned Judicial Magistrate No.II, Virudhunagar. Moreover, the petitioner is facing difficulty to travel long distance to attend the above said proceedings at Thoothukudi. Hence, seeking transfer of the above said proceedings, this petition has been filed.

3.Heard the learned counsel on either side.

4.The learned counsel for the respondent would submit that the respondent is a physically challenged person, his personal appearance may be dispensed with.



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5.Considering the facts and circumstances of the case, considering the convenience of the wife and since already a matter is pending at Virudhunagar, the H.M.O.P.No.268 of 2023 filed by the respondent on the file of the Family Court, Thoothukudi, Thoothukudi District, is ordered to be withdrawn and transferred to the Sub-Court, Virudhunagar, Virudhunagar District. However, since it is a Sub Court, personal appearance of the respondent for every hearing is not required.

6.Accordingly, this transfer civil miscellaneous petition is allowed.
Consequently, connected miscellaneous petition is closed.

12.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1.The Judge, Family Court, Thoothukudi, Thoothukudi District.

2.The Subordinate Judge, Virudhunagar, Virudhunagar District.

3.The Section Officer,
E.R.Section/V.R.Section,

3/5



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Madurai Bench of Madras High Court, Madurai.

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G.ILANGO VAN,J.

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