



Tr.CMP.(MD)No.532 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2024

CORAM

THE HON'BLE MR JUSTICE P. VADAMALAI

Tr.CMP.(MD)No.532 of 2023

and

C.M.P.(MD)Nos.11838 of 2023 & 11091 of 2024

Sindhu Bairavi

.. Petitioner

Vs.

1.J.Mahalakshmi

2.Jeganathan

.. Respondents

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the proceeding in G.W.O.P.No. 102 of 2022 on the file of the Principal District and Sessions Court, Pudukottai and transfer the same to the file of the Principal District Court, Erode District.

(Prayer amended vide Court order dated 21.08.2024 made in C.M.P. (MD)No.11297 of 2024 in Tr.C.M.P.(MD)No.532 of 2023 by PVMJ)

For Petitioner : Mr.F.Deepak

For Respondents : Mr.P.Ganapathi Subramanian



WEB COPY



Tr.CMP.(MD)No.532 of 2023

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the proceeding in G.W.O.P.No.102 of 2022 on the file of the Principal District and Sessions Court, Pudukottai and transfer the same to the file of the Principal District Court, Erode District.

2. The petitioner is the wife of one Subburam and the respondents herein are the father-in-law and mother-in-law of the petitioner. The marriage between the petitioner and one Subburam, who is the deceased son of the respondents herein, was solemnized on 20.01.2016 at Thiruparankundram Subramaniya Swamy Temple, Madurai as per Hindu Rites and Customs. From the wedlock, two children, namely Haritha Namali and Diliksha, were born to them.

3. The husband of the petitioner herein/Subburam was died on 08.08.2017 due to motor accident. Thereafter, a claim petition was filed and a compensation amount had also been awarded.



Tr.CMP.(MD)No.532 of 2023

WEB COPY

4. Thereafter, due to disputes that have arisen between the petitioner and the respondents, the respondents have filed the proceeding in G.W.O.P.No.102 of 2022 on the file of the Principal District and Sessions Court, Pudukottai seeking custody of the children.

5. Heard the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the respondents.

6. The learned counsel for the petitioner would submit that the petitioner is the resident of Chennimalai Village, Erode District. The distance between the Chennimalai Village and Pudukottai is around 250 Kms. As the petitioner finds it very difficult to travel such a long distance, she seeks transfer of proceeding from the file of the Principal District and Sessions Court, Pudukottai to the file of the Principal District Court, Erode.

7. The learned counsel for the respondents has not raised any serious objection to this transfer petition.



Tr.CMP.(MD)No.532 of 2023

8. Taking into consideration the overall facts and circumstances of the case, and also considering the convenience of the petitioner/mother, this Court is inclined to allow this transfer petition.

9. The learned Judge, Principal District and Sessions Court, Pudukottai is directed to transmit the entire records, pertaining to the case in G.W.O.P.No.102 of 2022 within a period of two weeks from the date of receipt of a copy of this order, to the file of the Principal District Court, Erode, and on receipt of such records, the learned Judge, Principal District Court, Erode is directed to take the case on file and dispose of the same as expeditiously as possible in accordance with law.

10. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

27.08.2024

mkn

Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



WEB COPY



Tr.CMP.(MD)No.532 of 2023

P. VADAMALAI, J.

mkn

To

- 1.The learned Judge, Principal District and Sessions Court,
Pudukottai
- 2.The learned Judge, Principal District Court,
Erode

Tr.CMP.(MD)No.532 of 2023
and
C.M.P.(MD)Nos.11838 of 2023 & 11091 of 2024

27.08.2024