



Tr.CMP.(MD)No.596 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **08.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Tr.CMP.(MD)No.596 of 2022

and

CMP(MD)No.9499 of 2022

Vanitha

.. Petitioner

Vs.

Ramalingam

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the proceedings in HMOP.No.39 of 2022 on the file of the Principal Sub Court, Kumbakonam and transfer the same to the Family Court, Thoothukudi.

For Petitioner : Mr.P.Saravanakumar

For Respondent : No appearance

ORDER

The petitioner is the wife of the respondent. She is facing the divorce proceedings before the Principal Sub Court, Kumbakonam in HMOP.No.39 of 2022 filed by her husband/respondent herein. This



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petition has been filed to transfer the HMOP.No.39 of 2022 from the file of the Principal Sub Court, Kumbakonam to the file of the Family Court, Thoothukudi.

2. The learned counsel for the petitioner submitted that the petitioner is now residing at Thoothukudi along with her child in her sister's home since her mother died. He further submitted that the petitioner has to travel about 400 kms along with her child to attend the Court proceedings from Thoothukudi to Kumbakonam and she is not in a position to travel from Thoothukudi to Kumbakonam for every hearing and it is difficult for her to contest the case before the Principal Sub Court, Kumbakonam. Apart from that it is also submitted that DVOP.No. 44 of 2021 is pending before the learned Judicial Magistrate No.II, Thoothukudi. Hence, this petition.

3. The respondent remains absent inspite of service of notice.

4. Considering the pendency of the two cases in two different Courts, this Court withdraws H.M.O.P.No.39 of 2022 from the file of the Principal Sub Court, Kumbakonam and transfers the same to the Family Court, Thoothukudi. The Principal Sub Court, Kumbakonam is directed to transfer the entire records in H.M.O.P.No.39 of 2022 to the transferee Court forthwith. The transferee Court shall receive the records and assign



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a new number, send notice to both parties and proceed further in the matter.

5. With the above direction, this Transfer Civil Miscellaneous Petition stands allowed. Consequently, connected miscellaneous petition is closed.

08.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
PJJ

To

1. The Principal Sub Judge, Kumbakonam.
2. The Judge, Family Court, Thoothukudi.



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G.ILANGOVAN. J.

PJL

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