



TR.C.M.P. (MD) No. 693 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

TR.C.M.P. (MD) No. 693 of 2023
and
C.M.P. (MD) No. 15460 of 2023

P.Lakshmi Priya

... Petitioner

-VS-

Balaji

... Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to pass an order withdrawing the case in H.M.O.P.No. 129 of 2023 pending on the file of the learned Sub-Court, Tiruchendur and transferring the same to the file of the Family Court, Tirunelveli or any other competent Court outside the Thoothukudi District.

For Petitioner : Mr.I.Pinaygash

For Respondent : Mr.I.Imran Khan

ORDER

The Transfer Civil Miscellaneous Petition is filed by the petitioner/wife to transfer the H.M.O.P.No.129 of 2023 pending on the file of the Subordinate Court, Tiruchendur and to transfer the same to the file of the Family Court, Tirunelveli.



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2. It can be seen that the maintenance case in M.C.No.40 of 2020 is pending on the file of the Family Court, Tirunelveli. From the cause-title, it can be seen that both parties are residing in Thiruchendur only. However, it is the contention of the petitioner/wife that the respondent/husband's father was originally working as an Office Assistant in the Courts at Thiruchendur and therefore, she wants transfer outside the said Court. The apprehension expressed on behalf of the petitioner is unfounded when the petitioner is also residing at Thiruchendur.

3. Though it is contended that in the maintenance case, her address is mentioned as Udayarpatti, Tirunelveli District, considering the fact that the address is mentioned as Thiruchendur in the present petition, this Court is inclined to dispose of the Transfer Miscellaneous Petition by granting a modified relief on the following terms:-

(i) The prayer to transfer the case in H.M.O.P.No.129 of 2023 from the file of the Sub-Court, Thiruchendur to the file of the Family Court, Tirunelveli, stands rejected;

(ii) The M.C.No.40 of 2020 pending on the file of the Family Court, Tirunelveli, is transferred to the file of the



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Judicial Magistrate cum District Munsif, Thiruchendur;

(iii) When the maintenance case is transferred and taken up, the learned District Munsif is requested to take up the issue of arrears of interim maintenance at the first instance.

Consequently, the connected Miscellaneous Petition is closed. No costs.

18.07.2024

Index : No
Internet : Yes
PKN

To

1. The District Munsif Cum Judicial Magistrate Court, Thiruchendur.
2. The Family Court, Tirunelveli.



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D.BHARATHA CHAKRAVARTHY, J.

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