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Tr.C.M.(MD)No.707 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08/02/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Tr.CMP (MD) No.707 of 2023

and

CMP (MD) No.15875 of 2023

Bhavani : Petitioner/Respondent-Wife

Vs.

GaneshNarayanan : Respondent/Petitioner-Husband

PRAYER:-Transfer Civil Miscellaneous Petition is filed under section 24 of the Civil Procedure Code, to withdraw the case in HMOP No.311 of 2022 on the file of the Family Court, Tuticorin and transfer the same to the Sub Court, Sattur, Virudhunagar District and pass such further or other orders.

For Petitioner : Mr.N.Mariappan

For Respondent : M.P.Senthil

O R D E R

This Civil Miscellaneous Petition is filed seeking transfer of the petition in HMOP No.311 of 2022 from the file of the Family Court, Tuticorin to the Sub Court, Sattur, Virudhunagar District.



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Tr.C.M.(MD)No.707 of 2023

2.The facts in brief:-

The marriage between the husband and wife performed on 10/12/2014 at Ramaiah Mahal, Tuticorin. After the marriage, they started living in abroad. At the time of marriage, sufficient sreedhana and other articles were provided to the wife. Out of the wedlock, two female child were born to them. In the meantime, the husband left the wife in India along with the children and went to abroad for his work. Thereafter, due to matrimonial tiff, the wife made a complaint before the AWPS, Sattur. In the meantime, the husband filed HMOP No.311 of 2022 before the Family Court, Tuticorin, seeking divorce.

3.This petition is filed by the wife seeking transfer of the case in HMOP No.311 of 2022 on the ground that the she has to travel Tuticorin for attending the court, which is more than 100 kms from her locality.

4.Heard both sides.

5.On 19/01/2024, it was recorded that the respondent/husband has no objection to transfer the petition, but however, direction must be issued to the petitioner/wife to cross examine him before the enquiry court on the date of hearing.



Tr.C.M.(MD)No.707 of 2023

WEB COPY

6.Now the learned counsel appearing for the respondent/husband would submit that the cross examination was over, on 05/02/2024 itself. Since the cross examination was already over, if necessity arises the respondent/husband is permitted to appear before the Video Conference. For that purpose, he may approach the concerned trial court itself.

7.In view of the above, without going into other aspects, this Transfer Civil Miscellaneous petition allowed. Accordingly, H.M.O.P.No.311 of 2022 pending on the file of the Family Court, Tuticorin stands transferred to the Sub Court, Sattur, Virudhunagar District. The Family Court, Tuticorin is directed to transmit the case papers to the Sub Court, Sattur, Virudhunagar within a period of four weeks from the date of receipt of a copy of this order. After receiving the records, the Sub Court, Sattur, may assign new number and conduct the trial, after issuing notice to the parties for appearance and dispose the case in accordance with law.

7.With the above-said directions, the Transfer Civil Miscellaneous Petition stands **allowed**. However, there



Tr.C.M.(MD)No.707 of 2023

shall be no order as to costs. Consequently, connected
Miscellaneous Petition is closed.

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08/02/2024

Index:Yes/No
Internet:Yes/No
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To,

- 1.The Family Court,
Tuticorin.
- 2.The Sub Court,
Sattur,
Virudhunagar District.



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Tr.C.M.(MD)No.707 of 2023

G.ILANGOVAN, J

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Tr.CMP(MD)No.707 of 2023

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