



TR CMP(MD)No.731 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

TR CMP(MD)No.731 of 2023

and

C.M.P.(MD)No.16337 of 2023

E.Poongodi

... Party-in-person/Respondent

vs.

P.Manimuthukumar

... Respondent/ Petitioner

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in HMOP No.258 of 2022 pending on the file of the Sub Court, Uthamapalayam, Theni District, to be transfer along with the Maintenance Case No.29 of 2023 pending on the Family Court, Thanjavur.

For Petitioner : M/s.S.Prabha

For Respondent : Mr.M.S.Jeyakarthick

ORDER

The wife has filed the present transfer civil miscellaneous petition to withdraw the case in HMOP No.258 of 2022 on the file of



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the Sub Court, Uthamapalayam, Theni District to the learned Family Court, Thanjavur.

2.On a perusal of the affidavit filed in support of the application, the wife is pleading hardship as she is staying along with her parents at Thanjavur.

3.The learned counsel for the respondent would oppose the prayer by stating that the petitioner is an Army man and therefore, when the matter which is now pending before the Sub Court, Uthamapalayam, is transferred to the file of the Family Court, Thanjavur, then his appearance will be difficult.

4.Taking into account of the said difficulty expressed by the respondent, as and when the case is transferred, the learned Family Court, shall consider the fact that the petitioner is an Army man and except for necessary hearings, such as, counselling, mediation, examination of witnesses, etc., in respect of the other formal hearings,



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can consider dispensing with his presence, allowing him to be represented by an amicus or allowing him to participate by way of video conferencing also depending on the situation.

5. With the above observations, the Transfer Civil Miscellaneous Petition is allowed and the case in HMOP No.258 of 2022 pending on the file of the Sub Court, Uthamapalayam, Theni District, is withdrawn and transferred to the file of the Family Court, Thanjavur. No costs. Consequently, connected miscellaneous petition is closed.

12.07.2024

NCC : Yes / No
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To

1. The Sub Court, Uthamapalayam, Theni District.
2. The Family Court, Thanjavur.



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D.BHARATHA CHAKRAVARTHY, J.

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