



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2015

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.306 of 2014 and

M.P(MD)Nos.1 and 2 of 2014

WEB COPY

Vincent Reynold

... Petitioner/Respondent

Vs.

Meenakshi @ Veronica Rosary

... Respondent/ Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the proceedings in I.D.O.P.No.82 of 2013 on the file of the learned Family Court, Madurai and to transfer to the file of the learned Principal District and Sessions Judge, Theni.

For Petitioner : Mr.R.Shankar Ganesh

For Respondent : Mr.Babu Jeganath

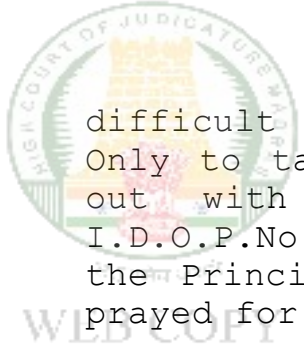
ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the proceedings in I.D.O.P.No.82 of 2013 on the file of the learned Family Court, Madurai and to transfer to the file of the learned Principal District and Sessions Judge, Theni.

2.The petitioner herein is the husband and the respondent is the wife of the petitioner. The marriage was solemnized between the petitioner and the respondent on 10.01.2007, at Bangalore with the help of their friends. The petitioner was working in various places and now he is working at Cochin. Difference of opinion arose between the parties, the respondent, lodged various complaints against the petitioner. The respondent has filed I.D.O.P.No.82 of 2013 before the Family Court, Madurai for restitution of conjugal rights. The petitioner has filed the present petition for transferring the IDOP.No.82 of 2013 from the file of the Family Court Madurai to the file of the Principal District and Sessions Court, Theni.

3.According to the petitioner he is working in Cochin and therefore, it is very difficult for him to attend each and every hearing before Family Court, Madurai. For those reasons, the petitioner has come out with the present petition to transfer the aforesaid IDOP No.82 of 2013 filed by the respondent/wife before Family Court, Madurai to the Principal District and Sessions Court, Theni.

<https://hcservices.courtservice.in/hcservices>
4.The respondent has filed a counter affidavit denying all the averments made by the petitioner. The respondent stated that due to her financial position and family situation it is very



difficult to conduct the case in Family Court, Madurai itself. Only to take revenge on the respondent, the petitioner has come out with the present petition to transfer the case in I.D.O.P.No.82 of 2013 pending before the Family Court, Madurai to the Principal District and Sessions Court, Theni. Therefore, he prayed for dismissal of the petition.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

6. The petitioner seeks transfer on the ground that he is working in Cochin and Madurai is far away from Cochin and it is very difficult for him to attend each and every hearing from Cochin to Madurai. This is not a valid ground for transferring the I.D.O.P.No.82 of 2013 pending before the Family Court, Madurai to the Principal District and Sessions Court, Theni, which is also far away from Cochin.

7. The fact remains that the petitioner has to appear before the Family Court for each and every hearing. If IDOP is transferred to a District Court, the petitioner need not appear for each and every hearing and he has to appear only as and when required and at the time of final hearing. It will be sufficient in the interest of justice that the IDOP No.82 of 2013 is transferred from the file of the Family Court, Madurai to the file of the District Court, Madurai.

8. In the result, the Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.82 of 2013 on the file of the Family Court, Madurai is hereby withdrawn and transferred to the file of the District Court, Madurai. The Family Court, Madurai is directed to send the case bundles to the District Court, Madurai, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2014 are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

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To

1. The Judge, The Family Court, Madurai.

2. The District Judge, Madurai.

3. The Section Officer, V.R. Section,

Madurai Bench of Madras High Court, Madurai.

+1cc to Mr. R. Shankar Ganesh, Advocate in sr NO.28491

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