



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2015

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.357 of 2014

and

M.P(MD)No.1 of 2014

R.Merina Kumari

... Petitioner/Respondent

Vs.

T.Arun

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in O.P.No.3674 of 2014 on the file of the Hon'ble III Additional Family Court, Chennai and transfer the same to the Hon'ble Principal Subordinate Court, Nagercoil, Kanyakumari District.

For Petitioner : Mr.S.Palanivelayutham

For Respondent : Mr.R.Venkateshwar for
M/s.Jacob & Jacob Associates

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in O.P.No.3674 of 2014 on the file of the III Additional Family Court, Chennai and transfer the same to the Principal Subordinate Court, Nagercoil, Kanyakumari District.

2. The petitioner herein is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 13.03.2013 as per Hindu Rites and Customs. According to the petitioner, after the marriage, they started their matrimonial life at Chennai as joint family, where the respondent is working. The respondent and his family members demanded more money and sent out the petitioner from the matrimonial home. Therefore, the petitioner gave a complaint before W25, All Women Police Station, T.Nagar, Chennai. Now, the respondent filed O.P.No.3674 of 2014 before the III Additional Family Court, Chennai, for divorce. The petitioner is residing at Nagercoil with her parents. The distance between Kanyakumari and Chennai is about 700 kms and it is very difficult for the petitioner to travel each and every hearing to attend the case in O.P.No.3674 of 2013 on the file of the III Additional Family Court, Chennai. The petitioner is depending on her parents for day to day expenses including travel expenses. She has also stated that it will not be difficult for the respondent/husband to attend the hearing at Nagercoil.

3. The learned counsel for the respondent represented that the respondent is working as a Software Engineer at Chennai and it is very difficult for him to attend the Court for each and every hearing from Chennai to Nagercoil. He further submitted that one Mano, Advocate, who is the relative of the petitioner, will influence the case before Nagercoil. He further submits that the respondent will be put to great

hardship, if the petition is transferred to Nagercoil and therefore, prayed for dismissal of Tr.C.M.P.

4. This Court, by order dated 30.04.2015, directed the parties to be present before this Court on 01.06.2015. Today, when the matter was taken up, the learned counsel for the petitioner represented that there is no settlement. Therefore, I am inclined to pass this order on merits.

5. Now, the petitioner/wife filed this petition to transfer the aforesaid O.P.No.3674 of 2014 filed by the respondent/Husband before the III Additional Family Court, Chennai, to the Principal Sub Court, Nagercoil, Kanyakumari District. In the circumstances, it will be in the interest of justice and convenience of both parties, the petition filed by petitioner is transferred to some common place i.e., Principal Subordinate Court, Tirunelveli.

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

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and O.P.No.3674 of 2014 on the file of the III Additional Family Court, Chennai, is hereby withdrawn and transferred to the file of the Principal Subordinate Court, Tirunelveli, if the same is not yet disposed of. The learned III Additional Family Judge, Chennai, is directed to send the case bundles to the Principal Subordinate Court, Tirunelveli, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

8. The O.P, is pending from the year 2014. The learned Principal Subordinate Judge, Tirunelveli, is directed to dispose the case as expeditiously as possible, in any event not later than 31st January 2016.

Sd/-

The Assistant Registrar(CO)

/True copy/

Sub-Assistant Registrar

To

1. The Judge, The III Additional Family Court, Chennai.
2. The Principal Subordinate Judge, Tirunelveli.
3. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High court, Madurai.

+1cc to Mr.S.Palanivelayutham, Advocate SR.No.28751

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Sm:30.06.2015:2P/5C

Tr.C.M.P. (MD)No.357 of 2014