



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2015

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE P.DEVADASS

Tr.C.M.P(MD) No. 224 of 2015

V.S.Harilakshmi ..Petitioner/Respondent

.Vs.

A.Ponnusamy ..Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P.No.139 of 2015 pending before the Family Court, Tirunelveli and transfer the same to the file of the Principal Sub-Court, Nagercoil.

For Petitioner :Mr.R.Murugan
For Respondent :Mr.G.Thiruvartselvan

O R D E R

In this Transfer Civil Miscellaneous Petition, the wife wants her husband's divorce case should go to I Additional Sub Court, Nagercoil from the Family Court, Tirunelveli.

2.The husband(respondent) and the wife(petitioner)are not blessed with any child. Though they are not having issues,but are having issues. Her husband is the Branch Manager HDFC Bank in Cuddalore. While she is in her parents house in Nagercoil, the husband filed H.M.O.P.No.139 of 2015 in the Family Court, Tirunelveli to divorce her. The wife filed H.M.O.P.No.71 of 2015 in the I Additional Sub Court, Nagercoil, to join with her husband. The wife wants her husband's said case to be trasnsferred from the Family Court, Tirunelveli to Nagercoil considering the distance between two places.

3. In these matrimonial matters, quick disposal has to be given. The I Additional Sub Court, Nagercoil is looking after various items of litigation besides the H.M.O.P.s. But the Family Court, Tirunelveli is the Special Court mainly to deal with husband and wife disputes. Deciding the said two cases by two judges will get scope for conflict in views.

4. In such circumstances, a direction to be given to the Family Court, Tirunelveli to deal with both the cases within a time frame. But at the same time, the husband is working and earning and he only filed the case in Tirunelveli, he only dragged her to Tirunelveli Court. So he He must meet her travelling expenses, food charges for the hearing dates.

5. In the result, ordered as under:
<https://hcservices.ecourts.gov.in/hcservices/>

i)H.M.O.P.No.71 of 2015 pending on the file of the I Additional Sub Judge, Nagercoil is transferred to the Family Court, Tirunelveli to



try along with H.M.O.P.No.139 of 2015 pending before it.

ii) The I Additional Sub Court, Nagercoil shall send the case records immediately to the Famil Court, Tirunelvlei.

iii) The learned Judge, Family Court, Tirunelvlei shall dispose of both the H.M.O.P.s within three months from the date of receipt of records.

iv) The Family Court Judge may also initiate conciliation between both sides.

v) For each date of her attendance before Family Court, Tirunelveli and the respondent shall pay a lump sum amount of Rs.750/- towards travelling expenses, food charges and for incidental expenses. The said amount shall be paid to her then and there on the hearing dates. No costs. Consequently, connected M.P is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

Ses

To

- 1.The Judge, Family Court, Tirunelveli.
- 2.The District Judge, Kanyakumari District at Nagercoil.
- 3.The I Additional Sub Court, Nagercoil.

Copy to :

The Registrar (Judicial)

Madurai Bench of Madras High court, Madurai.

+1CC to Mr.R.Murugan Advocate Sr.No.53328

+1CC to Mr.G.Thiruvarutselvan Advocate Sr.No.53019

NS/SKS/RS/23.9.2015-2P-6C

Tr.C.M.P (MD) NO.224 of 2015
and M.P. (MD) No. 1 of 2015
09.09.2015