



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2015

CORAM:

THE HON'BLE MR.JUSTICE T.MATHIVANAN

Tr.C.M.P(MD)No.326 of 2015

and

M.P. (MD)No.1 of 2015

Chitra : Petitioner/Respondent
Vs.
Sathish : Respondent/Petitioner

Prayer : This petition is filed under section 24 of the Civil Procedure Code, to withdraw HMOP No.201 of 2015 on the file of the Family Court, Tirunelveli and to transfer the same to Sub Court, Thoothukudi for further proceedings and pass any such further or other orders as this court may deem fit.

For Petitioner : Ms.Arockiaselvi
for MR.A.D.Jagadish Chandra
For respondent : No appearance

O R D E R

This petition is filed under section 24 of the Civil Procedure Code to withdraw the matrimonial proceedings in HMOP No.201 of 2015 from the file of the family Court, Tirunelveli and to transfer the same to the file of the Sub Court, Thoothukudi for disposal.

2.Heard **Ms.Arokiyaselvi**, learned counsel appearing for the petitioner.

3.Despite service of notice on the respondent, he has not chosen to appear. Therefore, there is no other go for this court excepting to dispose this transfer petition after hearing the learned counsel for the petitioner, in the absence of the respondent, on merit.

4.The petitioner is the legally wedded wife of the respondent. Their marriage was solemnized on 09.07.2014. Thereafter, difference of opinion arose between them and subsequently they got separated. The petitioner had filed a petition in HMOP No.201 of 2015 under section 13(1)(ia) of the Hindu Marriage Act, 1955 seeking the relief of divorce before the family court, Tirunelveli. That matrimonial proceedings stood posted on 07.02.2015 for the appearance of the respondent. In the interregnum, the petitioner has filed a petition before this court in Tr.C.M.P.(MD)No.326 of 2015 to transfer the



above-said matrimonial proceedings from the file of the Family Court, Tirunelveli to the file of the Sub Court, Thoothukudi. In that application, interim stay was granted by this court on 01.09.2015.

WEB COPY 5.The petitioner has stated in para 5 of the affidavit filed in support of this petition that she finds difficult to attend the Family Court, Tirunelveli along with small baby in her arm and apart from this, she and her parents were threatened by the respondent and therefore, she apprehends that there might be life threat at the hands of the respondent. Therefore, she has approached this court to get the matter transferred from the Family Court, Tirunelveli to the Sub Court, Thoothukudi, where she is residing. As afore-stated, despite service of notice, the respondent has not chosen to appear.

6.Having been considered the relevant facts and circumstances and since, the petitioner finds difficult to attend each and every hearing before the Family Court, Tirunelveli along with small baby in her arm and since, she also apprehends danger at the hands of the respondent, this court finds that it may be expedient to transfer the above matrimonial proceedings from the file of the Family Court, Tirunelveli to the file of the Sub Court, Thoothukudi.

7.Accordingly, the petition is allowed and the petition in HMOP No.201 of 2015 is ordered to be withdrawn from the file of the Family Court, Tirunelveli, and transferred to the file of the Sub Court, Thoothukudi for disposal, in the manner known to law. The transferor Court is ordered to transmit the entire records forthwith to the file of transferee Court, without any delay and the transferee Court, after obtaining the records on transfer, is directed to dispose the matter within a period of four months thereafter. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judge, Family Court, Tirunelveli.
- 2.The Subordinate Judge, Thoothukudi.

+1cc to Mr.A.D.Jagadish Chandra, Advocate Sr.No.64702

akm/20.11.15 /2p-4c/

TrCMP (MD) No.326 of 2015
Date :03.11.2015