



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2015

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

TR.CM.P.(MD) No.394 of 2015

and

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

Shenbagadevi

... Petitioner/Respondent

-vs-

Shanmugakani

... Respondent/Petitioner

PRAYER: Petition is filed, under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.753 of 2014, on the file of Family Court, Trichirapalli and transfer to Family Court, Trichirappalli.

For Petitioner: Mr.Muthu Prakash

For Respondent: Mr.Vinoth Singh Misra

ORDER

This transfer petition is filed, under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.753 of 2014, from Family Court, Trichirappalli, and to transfer the same to Family Court, Tirunelveli.

2. The petitioner and respondent are spouses. They are not blessed with issues, but they are having lot of issues. The respondent is working in Southern Railway in Trichy and the petitioner is working as a Teacher. Difference of opinion arose between them. He filed H.M.O.P.No.753 of 2014 to say good-bye to his wife, in other words divorce. Now, his wife / petitioner wants to drag him to the Family Court in Tirunelveli, since her parents are residing in V.M.Chathiram in Palayamkottai in Tirunelveli. This is the facts of this case.

3. According to the learned counsel for the petitioner, as her parents are residing in Tirunelveli, it would be much convenient for the petitioner to face her husband's case.

4. On the other hand, the learned counsel for the respondent would submit that the petitioner is working as a Teacher in Vudukottai District and she is staying in a Working Women Hostel in Tiruchirappalli. No valid reason to transfer the case.



5. I have considered the rival submissions and perused the materials on record.

6. Now the trend of the law is matrimonial cases have to be conducted in a Court near her place of stay where she is having including financial support. If the husband has any danger to go to that place, he must give solid materials to show that he has such a danger, in such a case her transfer plea can be rejected.

7. Now, in this case, petitioner belongs to V.M.Chathiram in Palayamkottai in Tirunelveli District. Her parents are residing there. She is working as a Teacher in Viralimalai in Pudukottai District. Viralimalai is linked with Trichirappalli with National Highways. There are frequent buses between both the places. Petitioner is also staying in a Working Women Hostel in Trichirappalli. The respondent is working and residing in Trichirappalli. In such circumstances, there is no valid reason to transfer her husband's case to Tirunelveli.

8. In the circumstances, this transfer petition fails and it is dismissed. However, the Judge, Family Court, Trichirappalli, is directed to dispose of H.M.O.P.No.753 of 2014, within two months from the date of receipt of a copy of this Order. It is made clear that the disposal also includes disposal by way of mediation, conciliation, compromise and settlement. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To
The Judge, Family Court, Trichirappalli.

Copy To:
The Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.M.KALAMURUGAPPAN, ADVOCATE IN SR NO. 62377
+ 1 CC TO MR.M.VINOTH SINGH MISRA, ADVOCATE IN SR NO. 62370

KRK

TE/NGM-SS/ : 03/11/2015 : 2P/5C TR.CM.P.(MD) No.394 of 2015
and

<https://hcservices.ecourts.gov.in/hcservices/>

M.P.(MD) No.1 of 2015
26.10.2015