



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2015

Coram:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

Tr.C.M.P(MD)No.405 of 2015
and M.P(MD) No.1 of 2015

WEB COPY

R.Brunica Reena

... Petitioner

-Vs-

S.Peter Williams Bastin

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the petition in I.D.O.P.No.376 of 2015 on the file of the District Court, Thoothukudi and to transfer the same to the Family Court, Madurai to try along with I.D.O.P.No.46 of 2014.

For Petitioner : Mr.A.Pushpanathan

For Respondent : No appearance

ORDER

After invoking the provisions of Section 24 of the Code of Civil Procedure, 1908, the petitioner has preferred this transfer petition to withdraw the petition in I.D.O.P.No.376 of 2015 from the file of the District Court, Thoothukudi and to transfer the same to the file of the Family Court, Madurai to be tried along with the petition in I.D.O.P.No.46 of 2014.

2. Despite the service of notice on the respondent, he has not chosen to appear either in person or through his counsel. His name has also been printed in the cause-list. Since there is no representation, he is called absent and hence, and there is no other go for this Court excepting to hear Mr.A.Pushpanathan, learned counsel appearing for the petitioner and dispose of the matter on merits.

3. The petitioner herein is none other than the wife of the respondent. As per the averments of the petition, their marriage was solemnized on 27.01.2013 at St.Lourdu Annai Shrine. Thereafter, on account of matrimonial dispute, they were parted with each other and living separately. Under this circumstance, the petitioner, who is the wife of the respondent, happened to file a petition in I.D.O.P.No.46 of 2014 for restitution of conjugal rights before the Family Court, Madurai. In the interregnum, the respondent, being the husband, has also filed another petition in I.D.O.P.No.376 of 2015 for divorce before the District Court, Thoothukudi.



4. Besides this, the petitioner says that she is working as an Assistant Manager in I.D.B.I Bank, Chennai and her child is under the care and custody of her parents in Madurai and she finds it difficult to travel all along from Chennai to Thoothukudi twice a month to attend the matrimonial proceedings in I.D.O.P.No.376 of 2015 and hence, she would submit that it might be better to transfer the petition in I.D.O.P.No.376 of 2015 to the Family Court, Madurai to be tried along with I.D.O.P.No.46 of 2014 from the file of the District Court, Thoothukudi.

5. As afore stated, despite the service of notice, the respondent has miserably failed to appear before this Court and therefore, this Court finds that, in the interest of Justice, it may be expedient to grant the relief sought for by the petitioner.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the matrimonial proceedings in I.D.O.P.No.376 of 2015 is ordered to be withdrawn from the file of the District Court, Thoothukudi and transferred to the file of the Family Court, Madurai to be tried along with I.D.O.P.No.46 of 2014. The learned District Judge, Thoothukudi is directed to transmit the records to the transferee Court within a period of one week from the date of receipt of a copy of this order. After getting the records on transfer from the learned District Judge, Thoothukudi, the transferee Court is directed to dispose of the same within a prescribed period of six months thereafter, without loss of further time. There is no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(Writ)

/True copy/

Sub Assistant Registrar

ps

To

1.The Family Court Judge, Madurai.

2.The District Court, Thoothukudi.

+one cc to Mr.A.Pushpanathan, Advocate in SR.No.70770

CSL/SKS-RR/17.12.2015/2P/4C

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and

M.P (MD) No.1 of 2015
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