



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

Tr.C.M.P (MD) No.440 of 2015
and
M.P. (MD) .No.1 of 2015

Jayalakshmi

.. Petitioner/Petitioner

Vs.

Vadivel

.. Respondent/Respondent

PRAYER: This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.117 of 2015 on the file of the Principal Sub Court, Dindigul and transfer the same to the Family Court, Theni at Periyakulam.

For Petitioner : Mr.N.Mohan

For Respondent : Mr.A.Hajamohideen

ORDER

This petition is filed under Section 24 of the Code of Civil Procedure to withdraw the matrimonial proceedings in H.M.O.P.No.117 of 2015 from the file of the learned Principal Sub Court, Dindigul and transfer the same to the file of the Family Court, Theni at Periyakulam for disposal in the manner known to law.

2.The petitioner herein is the wife of the respondent. The respondent has filed the petition in H.M.O.P.No.117 of 2015 seeking for divorce on various grounds on the file of the Principal Subordinate Judge, Dindigul. Along with this petition, another application in I.A.No.72 of 2015 was filed to appoint one Kanchi Kalayam @ Kaliraj, who is none other than the father of the respondent to appoint him as her guardian as the respondent is mentally a retarded person. Both the petitions are pending on the file of the learned Principal Subordinate Judge, Dindigul.

3.This petition is filed by one Jeyalakshmi, who is the respondent in the matrimonial proceedings to withdraw the above said matrimonial proceedings from the file of the Principal Subordinate Judge, Dindigul and transfer the same to the Principal Subordinate Court, Theni.

4.The petitioner says that she has been residing in a separate house and looking after her six years old child. She has also been struggling for day to day life to maintain the family as her daughter is going to school. Further, she says that she finds it difficult to travel to Principal Subordinate Court, Dindigul for each and every hearing along with her child. She has also stated that though she is hale and healthy,

the respondent, who is the petitioner in the main matrimonial proceedings has filed I.A.No.72 of 2015 to appoint her father as a guardian saying that she is a mentally retarded person which is absolutely wrong and therefore, she has approached this Court by way of this petition seeking transfer of the above said matrimonial proceedings.

5.Heard Mr.N.Mohan, learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the averments of the grounds of the Civil Revision Petition.

6.Having been taken into consideration of the related facts and circumstances, this Court is of view that in the interest of Justice it may be expedient to issue a direction as sought for by the petitioner. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the matrimonial proceedings in H.M.O.P.No.117 of 2015 is ordered to be withdrawn from the file of the Principal Sub Court, Dindigul and transferred to the file of the Principal Subordinate Court, Theni, for disposal in accordance with law. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To

1.The Principal Subordinate Court,
Dindigul.

2.The Principal Subordinate Court,
Theni, Periyakulam.

3 The Judge, Family Court, Theni.

+1cc to M/S.N/Mohan, Advocate in SR.No. 72111

+1cc to M/S.A.Haja Mohideen, Advocate in SR.No. 72522

TS/31.12.2015/2P-6C/AAL-MPA

Tr.C.M.P (MD) No.440 of 2015
and
M.P. (MD) .No.1 of 2015

16.12.2015