

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.512 of 2016
and C.M.P.No.13737 of 2016

D.Sharmila .. Petitioner/Respondent

Vs.

R.Aravinth Balaji .. Respondent/Petitioner

Petition filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.387 of 2016, on the file of the Family Court, Madurai and to transfer the same to the Family Court at Coimbatore.

For Petitioner : Mr.J.Stalin

O R D E R

This Transfer Miscellaneous Petition is filed by the wife-petitioner to withdraw the H.M.O.P.No.387 of 2016 pending on the file of the Family Court, Madurai and transfer the same to the Family Court, Coimbatore.

2. From the records, it is seen that the efforts taken to mediate the parties by my Predecessor, has failed. It is stated by the petitioner that she is working as a nurse at Primary Government Health Centre, Neelikonampalayam, Coimbatore and a minor child aged about 4 years is living with her. It is also further stated that the parents are providing all the amenities to the petitioner-mother and the child. The only ground raised by the petitioner is that she being a lady, cannot travel to Madurai for hearing.

3. Merely travelling from her place to the place where the case is filed, cannot be the reason, for transfer. If the difficulty is expressed by the wife in getting leave or security or even health condition, equally the other spouse is also put to the same hardship. Unless the petitioner is able to establish that the transfer of the case would not be in any way harm the husband also, the transfer cannot be ordered for the sake of asking. Excepting the difficulty of travelling,

the petitioner has not stated any other ground for transfer. Therefore, there is no merits in this case to order transfer.

4. In the result, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

srn

To

1. The Judge Family Court, Madurai

2. The Judge Family Court, Coimbatore

+lcc to Mr.J.Stalin, Advocate sr.75915

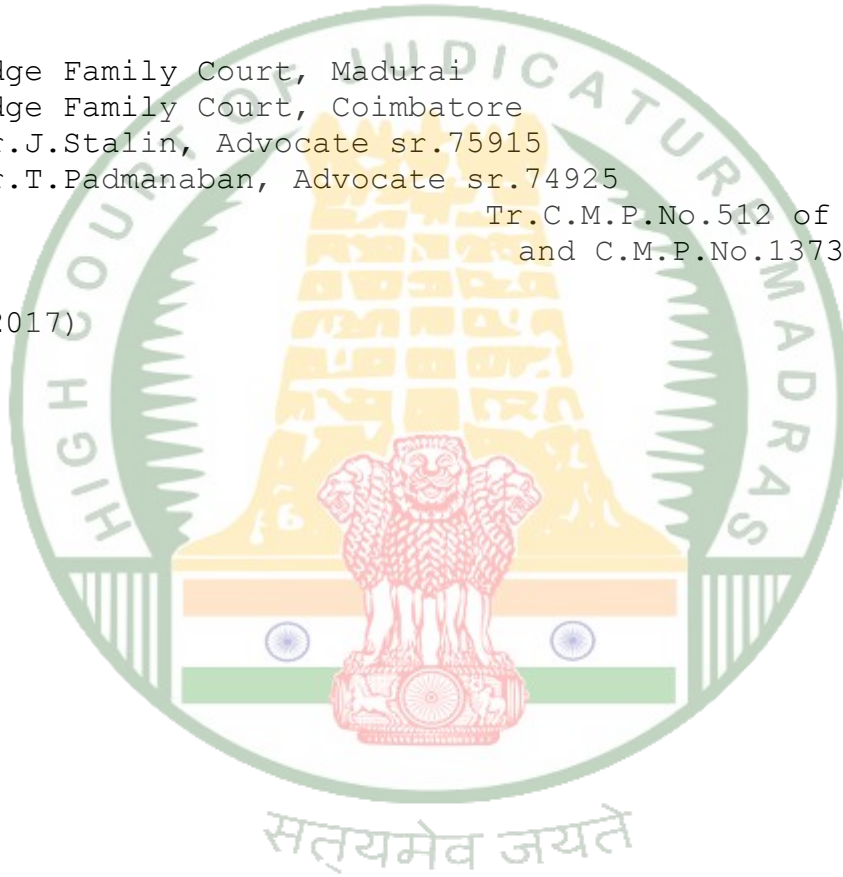
+lcc to Mr.T.Padmanaban, Advocate sr.74925

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ss(10/01/2017)



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