



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2016

CORAM:

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P(MD)No.278 of 2014
and M.P(MD)No.1 of 2014

Charlyn Pushpalatha

... Petitioner

Vs.

M.Vinoth Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 to withdraw and transfer the case in I.D.O.P.No.36 of 2014 on the file of the Family Court, Madurai to the file of the District Court, Nagercoil.

For Petitioner : Mr.R.Balakrishnan
For Respondent : Mr.K.Samidurai

O R D E R

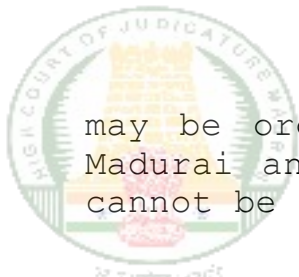
The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in I.D.O.P.No.36 of 2014 on the file of the Family Court, Madurai to the file of the District Court, Nagercoil.

2.The marriage between the petitioner and the respondent was solemnized on 24.08.2011 as per Christian Rituals.

3.The contention of the petitioner is that due to the frequent quarrel, the petitioner and the respondent are living separately and now she is living along with her parents and she is unemployed.

4.Contrarily, the respondent is working as a Lecturer and getting a good amount of salary and very well in a position to travel and defend the case at Nagercoil.

5.The learned counsel appearing for the respondent opposed the petition by stating that the respondent has to travel 500 kms. to defend the case at Nagercoil and therefore, the case



may be ordered to be heard in any one of the place in between Madurai and Nagercoil. Such a via media arguments and pleadings cannot be considered by this Court.

6.The facts remains that the respondent is working as a Lecturer and he is capable of spending and travelling. Contrarily the petitioner is unemployed and living with her parents and with the financial support through her parents. Hence, the balance of convenience is in favour of the petitioner and this Court is inclined to consider the petition for transfer and accordingly, this petition is allowed and I.D.O.P.No.36 of 2014 pending before the Family Court, Madurai is ordered to be transferred to District Court, Nagercoil forthwith. No costs. Consequently, connected M.P.is closed. No costs.

Sd/

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Judge, Family Court, Madurai.
- 2.The District Judge, Nagercoil.

+1CC to Mr.R.Balakrishnan, Advocate Sr.No.63602

+1CC to Mr.K.Samidurai, Advocate Sr.No.64009

GJM/MPA/1.12.16-2p-5C

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