



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2016

CORAM:

WEB COPY

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P(MD)No.444 of 2014
and M.P(MD)No.1 of 2014

Valarmathi

... Petitioner

Vs.

V.Selvapandi

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw and transfer the case in I.D.O.P.No.9 of 2012 on the file of the District Court, Srivilliputhur, Virudhunagar District to the file of the District Court, Madurai and consequently, direct the transferee court to deal with the said case in accordance with law.

For Petitioner : Mr.M.Pichaimuthu
For Respondent : Mr.K.Hemakarthikeyan

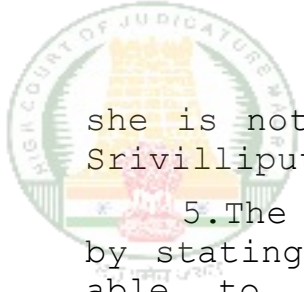
O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in I.D.O.P.No.9 of 2012 on the file of the District Court, Srivilliputhur, Virudhunagar District to the file of the District Court, Madurai and consequently, direct the transferee court to deal with the said case in accordance with law.

2.The marriage between the petitioner and the respondent was solemnized on 09.06.1991 as per the Christian Rituals.

3.Both the petitioner and the respondent are living separately due to some misunderstanding between them and consequently, the respondent filed I.D.O.P.No.9 of 2012 for divorce before the District Court, Srivilliputhur, Virudhunagar District.

4.The contention of the petitioner is that she is working as a Teacher in a private school and getting a meager amount of salary. Further after the death of her father, she is taking care of her aged mother and has to feed his son for his education. With the meager income she is maintaining both the mother and her son and



she is not in a position to attend the case before the Court at Srivilliputhur.

5.The learned counsel for the respondent opposed the petition by stating that the petitioner is employed and therefore, she is able to spend and in a position to defend the case at Srivilliputhur. Further contended that the petitioner left the matrimonial home at her own volition and he is not at fault. Hence, this petition is to be dismissed.

6.Considered the rival contentions both the learned counsel for the petitioner and the respondent.

7.The fact remains that the petitioner is to take care of her aged mother and his son. Hence, the balance of convenience is in favour of the petitioner and accordingly, this Court is inclined to consider the petition for transfer. Accordingly, the transfer civil miscellaneous petition is allowed and I.D.O.P.No.9 of 2012 pending before the District Court, Srivilliputhur is ordered to be transferred to Family Court, Madurai forthwith. Consequently, connected M.P.is closed. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1.The District Judge,
Srivilliputhur, Virudhunagar District.

2.The District Judge, Madurai.

NBJ
TE/GSV-PM : 30/11/2016 : 2P/3C

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