



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2016

CORAM

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

Tr.C.M.P(MD)No.145 of 2016 and

CMP(MD) .No.2587 of 2016

R. Vaisali

... Petitioner

-Vs-

S. Karthik Madhan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the case in OP.No.178 of 2016 on the file of Family Court No.I, Chennai, and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr. N. Ilangao

For Respondent : Mr.R.Nageshwara Rao

O R D E R

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in OP.No.178 of 2016 on the file of Family Court No.I, Chennai, and transfer the same to the file of the Family Court, Madurai.

2. According to the learned counsel for the petitioner, the respondent / husband filed O.P.No.178 of 2016 before the the Family Court No.I, Chennai, for divorce. The marriage between the petitioner and the respondent took place on 11.05.2016 at P.T. Rajan Thirumana Mandapam, Chokkikulam, Madurai and the marriage was registered before the Office of the Sub Registrar, Chokkikulam, Madurai on 17.05.2016. He further submitted that the petitioner is having 2 ½ years old child and she is residing with her parents at Madurai along with minor child. Further, the distance between Chennai and Madurai is about 400 kms and it is very difficult for the petitioner to travel for each and every hearing to attend O.P.No.178 of 2016, before the Family Court No.I, Chennai and hence, the petitioner filed the present Transfer Civil Miscellaneous Petition.

3. Per contra, the learned counsel for the respondent submitted that the respondent herein is working at Chennai and hence, it is very difficult for him to take leave to attend the each every hearing at Family Court, Madurai and prayed for dismissal of this Transfer CMP.



4. Heard the learned counsel appearing for the parties.

5. The respondent husband filed OP.No.178 of 2016 before the Family Court No.I, Chennai for divorce. The petitioner wife is residing with her mother along with minor child at Madurai and no one in her family to accommodate the petitioner to attend enquiry before the Family Court No.I, Chennai. Therefore, considering the facts and circumstances of the case and also in the interest of justice, I am inclined to pass the following order:-

(i) OP.No.178 of 2016, pending on the file of Family Court No.I, Chennai is ordered to be withdrawn and transferred to the file of Family Court, Madurai.

(ii) The learned Judge, Family Court No.I, Chennai is directed to transmit the entire original records pertaining to the case in OP.No.178 of 2016, to the transferee Court, within a week from the date of receipt of a copy of this order.

(iv) As and when the records received, the learned Judge, Family Court, Madurai, is directed to re-number the OP and dispose of the same, as expeditiously as possible.

(v) Both the counsels also undertake that they will co-operate for trial before the Family Court, Madurai. The said undertaking is recorded

6. Accordingly, the Transfer CMP is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Family Court No.I, Chennai
2. The Family Court, Madurai.

+1 cc to M/s.N.Tamilmani, Advocate in SR No.56253

Tr.C.M.P(MD)No.145 of 2016 and
CMP(MD).No.2587 of 2016
27.09.2016

TRP

ANR/PV/26.10.2016/2P/4C

<https://hcservices.ecourts.gov.in/hcservices/>