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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2016

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

Tr.C.M.P(MD)No.312 of 2016 and
CMP(MD).No.5713 of 2016

Uma Parameswari ... Petitioner/Respondent

Vs.

Soundar ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the HMOP.No.127 of 2015 on the file of the Family Court, Madurai and transfer the same to the Family Court, Thirunelveli.

For Petitioner : Mr. P. Sepana @ Sree
For respondent : Mr. K. Vamanan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP.No.127 of 2015 on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Thirunelveli.

2. The facts in nutshell, as pleaded by the counsel for the petitioner, is that the marriage between the petitioner and the respondent was solemnized on 01.12.2006, as per Hindu Rites and Customs at Thirunelveli. The petitioner filed the present petition to transfer the HMOP.No.127 of 2015 pending before the Family Court, Madurai to the Family Court, Thirunelveli. The main contention of the petitioner is that she is residing at Thirunelveli along with her parents and not in a position to travel to Madurai to defend the case.

3. The learned counsel appearing for the respondent opposed to transfer the case to Thirunelveli stating that the respondent filed HMOP.No.127 of 2015, for divorce in the year 2015 and for the past more than one year, the petitioner is appearing before the Family Court at Madurai and defending the case with the assistance of her counsel. Further, the learned counsel for the respondent contended that trial already commenced and it is posted

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for cross examination of PW.1. When the trial is already commenced, at this stage, the case need not be transferred and transfer of case will result prejudice to the respective parties and the transferee Court will also find it difficult to continue the trial.

4. The fact remains that the petitioner on receipt of the summon appeared before the Family Court, Madurai and defended the case for the past more than one year and now, the trial has already been commenced.

5. Considering the facts and circumstances of the case and convenience of the parties, this Court is not inclined to consider this petition and accordingly, this petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

The Judge,
Family Court, Madurai.

+1 cc to MR.K.VAMANAN, Advocate SR.No.64128

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SMA/CK/14.11.2016:2P/3C

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