



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

TR.CMP(MD)No.313 of 2016

and

C.M.P(MD)No.5722 of 2016

KR.Annamalai Raja

... Petitioner

vs.

1)Mrs.AN.Usha

2)Ms.AN.Mahalakshmi

... Respondents

Petition filed under Section 24 of the Civil Procedure Code, to pass appropriate order to withdraw the case in MC.No.460/2015 on the file of the Family Court No.I, Chennai and to transfer the same to Family Court, Madurai, or to any other court having competent Jurisdiction to try the matter.

For Petitioner : Mr.C.Arunmozhi Rajashankar

For Respondent : Mr.K.Samidurai

ORDER

The marriage between the petitioner and the 1st respondent was solemnized on 03.07.1996 as per the Hindu rites and customs. Due to the strained relationship, the parties are living separately. The 1st respondent/wife filed MC.No.460/2015 on the file of the Family Court No.I, Chennai, for maintenance. The petitioner seeks transfer of the above maintenance case to the Family Court, Madurai. The only reason set out in this petition for transfer by the petitioner/husband is that he has to look after his aged mother who is sick and therefore, he is not in a position to travel from Madurai to Chennai and defend the case filed by the wife at Chennai.

2.The learned counsel for the respondent contended that the reason set out by the petitioner is vague and this Court need not transfer the petition only on the ground that the petitioner's mother is sick and he has to look after her.

3.The facts and circumstances of this case shows that the petitioner/husband left the matrimonial home and living separately. The wife filed the maintenance case before the Family Court No.I, Chennai. The maintenance is for livelihood and



therefore, the balance of convenience is in favour of the 1st respondent/wife. Contrarily, the petitioner is not paying any maintenance as on today and therefore, he is not entitled for the relief sought for in the present petition.

4. In view of the facts and circumstances of this case, this Court is of the view that the case of the petitioner deserves no consideration and accordingly, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, C.M.P(MD)No.5722 of 2016 is closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

nbi
To
The Judge,
Family Court No.I, Chennai.

+1CC to Mr.C.Arun Mozhi Raja Shankar, Advocate Sr.No.63763
+1CC to Mr.K.Samidurai, Advocate Sr.No.64010

GJM/SKS/RR/8.11.16-3p-4C

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