



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Tr.C.M.P. (MD) No.351 of 2016

and

C.M.P. (MD) Nos.6678 and 6708 of 2016

K.Geetha : Petitioner

Vs.

R.Radhakrishnan : Respondent

Prayer: Civil Revision Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.306 of 2014 on the file of Family Court, Trichy and transfer the same to the file of Subordinate Court, Virudhunagar.

For Petitioner : Mr.V.R.Shanmuganathan
For Respondent : Mr.M.Karunanithi

ORDER

The petitioner/wife has filed the transfer original petition to withdraw H.M.O.P.No.306 of 2014 on the file of Family Court, Trichy and transfer the same to the file of Subordinate Court, Virudhunagar.

2.According to the learned counsel for the petitioner, the respondent husband filed H.M.O.P.No305 of 2012 before the Sub Court, Trichirappalli and subsequently, the same has been transferred to the file of Family Court, Trichirappalli and renumbered as H.M.O.P.No.306 of 2014 and the same is pending.

3.The learned counsel for the petitioner submitted that the petitioner is residing at Virudhunagar and hence, the transfer original petition has been filed on the following grounds:

"i.Petitioner have already lodged a complaint with Judicial Magistrate No.2, Virudhunagar and is pending and the respondent herein is already attending the said case. As a counter blast the respondent herein have preferred the above H.M.O.P. at Trichy, known to the petitioner herein to attend the Court at, Trichy.

ii.Petitioner already attending court at



Virudhunagar and it would be convenient to petitioner to attend the hearing in the above H.M.O.P.in the court at Virudhunagar or Madurai, rather than attending the court at Trichy. The convenience is in all sense, physically and financially.

iii. Petitioner submits that it would not be additional burden for the respondent herein to attend the court at Virudhunagar, as because he is already attending the court at Virudhunagar or Madurai.

iv. Petitioner submits that the H.M.O.P. are held at Trichy, which is located at 250 KM for away from Virudhunagar. The travelling from Virudhunagar to Trichy would cause financial strain and physical strain to the petitioner. Petitioner submits that she has to take care of her son."

Therefore, the petitioner seeks transfer of H.M.O.P.No.306 of 2014 on the file of the Family Court, Trichy to the file of Subordinate Court, Virudhunagar.

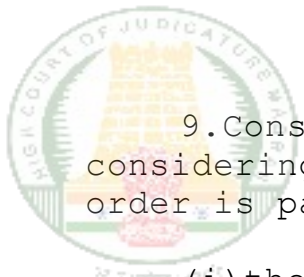
4. The learned counsel appearing for the respondent husband would submit that the petitioner has already filed Tr.C.M.P.No.225 of 2012 before this Court and by an order dated 08.03.2013, this Court was pleased to dismiss the said application filed by the petitioner. In such circumstances, this present transfer original petition is liable to be dismissed.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on records.

6. When the matter came up for hearing, it is submitted by the learned counsel for the petitioner that the petitioner has filed review application in Rev.Apl.(MD) No.SR 26106 of 2016 against the order dated 08.03.2013 made in Tr.C.M.P.No.225 of 2012 along with C.M.P.(MD) No.6708 of 2016, to condone the delay of 1179 days in filing the review application. The said application is also tagged with the present transfer original petition.

7. The learned counsel for the respondent, after getting instructions from the respondent, would submit that he has objected the transfer from Trichy to Virudhunagar.

8. At the time of argument, the learned counsel for the petitioner would submit that in the interest of justice and also the difficulty faced by the petitioner as she is being suffered by financial crisis and to look after her child aged 2-1/2 years, she is agreed to transfer the H.M.O.P. to Family Court Madurai. The learned counsel for the respondent has also agreed for the same.



9. Considering the facts and circumstances of the case and considering the request made by both side counsel, the following order is passed:

(i) the case in H.M.O.P.No.306 of 2014 on the file of the Family Court, Trichy is hereby withdrawn and transferred to the file of the Family Court, Madurai.

(ii) The learned Family Judge, Trichy is directed to transmit the entire original records to the learned Family Judge, Madurai, immediately, on receipt of the copy of this order.

(iii) On receipt of the original records, the learned Family Judge, Madurai, is directed to renumber the case and dispose of the same, as expeditiously as possible, after notice to the parties.

10. The transfer original application is disposed of with above directions. No Costs. Consequently, connected miscellaneous petition is also closed.

11. In view of the order passed in the present transfer original petition, C.M.P.(MD) No.6708 of 2016 to condone the delay of 1179 in filing the review application is closed and the review application in Rev.Aplc (MD) No.SR 26106 of 2016 is also closed. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1. The Judge, Family Court, Trichy.

2. The Judge, Family Court, Madurai.

+1cc to Mr.V.R.Shanmuganathan, Advocate SR.No.56344

+1cc to Mr.M.Karunanithi, Advocate SR.No.56030

Arul

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Order made in
Tr.C.M.P.(MD) No.351 of 2016
and
C.M.P.(MD) Nos.6678 and 6708 of 2016