



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2016

Coram:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Tr.C.M.P. (MD) .No.409 of 2016

and C.M.P. (MD) No.7919 of 2016

Indrakumari .. Petitioner/Petitioner
Vs.
Arumohzimarani .. Respondent/Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the case in O.P.No.2679 of 2016 on the file of the II Additional Family Court, Chennai and transfer the same to the Sub Court, Valliyoor, Tirunelveli District for disposal of the same on merits in accordance with law.

For Petitioner : Mr.V.Sasikumar
For Respondent : Mr.K.Ashokkumar Ram

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking for transfer of O.P.No.2679 of 2016 from the file of II Additional Family Court, Chennai to the file of Sub Court, Valliyoor, Tirunelveli District.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3.The petitioner is the wife of the respondent. The marriage between them was solemnized on 27.10.2005.

4. The learned counsel for the petitioner would submit that the respondent/husband filed a petition in **(*)O.P.No.2679 of 2016** under Section 13(1)(ia)(iii) of Hindu Marriage Act to dissolve the marriage and the said petition was filed before the II Additional Family Court, Chennai. The petitioner is residing with her aged parents and her two children at Valliyoor and she has to travel 1200 kms for attending the Court and therefore, she finds it difficult to defend the case before the II Additional Family Court, Chennai. The learned counsel therefore prays this Court to transfer the case in O.P.No.2679 of 2016 from the file of II Additional Family Court, Chennai to the file of the Sub Court, Valliyoor, Tirunelveli District.

5. The learned counsel for the respondent fairly conceded that the respondent has no objection for transferring the case.



6. In the interest of justice, I am inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, this petition is allowed with the following directions:

i) The learned Judge, II Additional Family Court Chennai, is directed to transmit the entire records in **(*)O.P.No.2679 of 2016** to the file of the Sub Court, Valliyoor, Tirunelveli District within a period of two weeks from the date of receipt of copy of this order

ii) the learned Sub Judge, Valliyoor, Tirunelveli District, after obtaining the records on transfer, is directed to dispose of the matter as expeditiously as possible in accordance with law.

No costs. Consequently, connected C.M.P.(MD) No.7919 of 2016 is closed.

Sd/
12.09.2016

**(*)Amended as per order dated.29.09.2016
made in Tr.CMP(MD)No.409/2016.**

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

(*)To be substituted for the order already despatched

1.The II Additional Family Judge, Chennai.

2.The Sub Judge, Valliyoor, Tirunelveli District.

+1cc to M/S.V.Sasikumar, Advocate in SR.No.52107

Tr.C.M.P.(MD) .No.409 of 2016
and C.M.P.(MD) No.7919 of 2016
12.09.2016

CM

PA/SS-3/SAR III/16.09.2016/2P/4C(IT)

PBK/SK-SKN 02/11/2016 ::2P-4C: