



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

Tr.C.M.P(MD)No.497 of 2016 and
CMP(MD) .No.10002 of 2016

M. Celementine Joe

... Petitioner

Vs.

1. Hencilin Kavitha
2. Dominic Antony
(rep. by his first respondent
/ mother)

... Respondents

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw and transfer the case in M.C.No.24 of 2015 on the file of the learned Judicial Magistrate No.I, Kuzhithurai to any jurisdictional Magistrate Court in Madurai.

For Petitioner

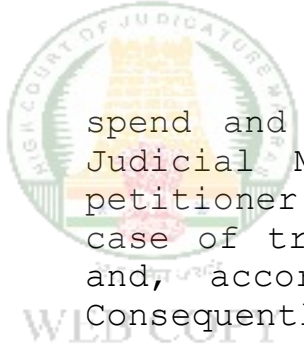
: Mr. S. Chella Pandian

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in M.C.No.24 of 2015 on the file of the learned Judicial Magistrate No.I, Kuzhithurai to any jurisdictional Magistrate Court in Madurai.

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 02.02.2009, as per Christian Rites and Customs. The present petition for transfer is filed by the respondent / husband to transfer MC.No.24 of 2015, pending before the the learned Judicial Magistrate No.I, Kuzhithurai to any jurisdictional Magistrate Court in Madurai. The main ground raised by the petitioner is that he is working as a Software Engineer at Chennai and he could not travel from Chennai to Kuzhithurai to defend the case filed by the respondent.

3. Claiming maintenance is a valuable right of wife and it is for livelihood. Therefore, the respondent could not be driven to <https://hcservicesindia.com/hcservices/> at Chennai, since it is a case of maintenance. Further, the petitioner is a Software Engineer and he will be receiving good amount of salary and very well in a position to



spend and travel to defend the case pending before the learned Judicial Magistrate No.I, Kuzhithurai. Except this reason the petitioner has not set out any meaningful reason to consider the case of transfer and therefore, the petition is devoid of merits and, accordingly, the Transfer CMP is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar.

To

The Judicial Magistrate No.I, Kuzhithurai.

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CMP(MD) .No.10002 of 2016
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trp
AM/SS3/15.11.2016/2P/2C