



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2016

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**Tr.C.M.P. (MD) No.83 of 2016**

**and**

**C.M.P. (MD) No.1427 of 2016**

K.Lavanya : Petitioner

Vs.

S.Manikandan : Respondent

Prayer: Civil Revision Petition is filed under Section 24 of C.P.C., to withdraw the proceedings in H.M.O.P.No.426 of 2015 on the file of the Family Court, Tiruchirappalli and transfer the same to the Subordinate Court, Thoothukudi.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.Raja Prabhu

**ORDER**

The transfer civil miscellaneous petition is filed to withdraw the proceedings in H.M.O.P.No.426 of 2015 on the file of the Family Court, Tiruchirappalli and transfer the same to the Subordinate Court, Thoothukudi.

2.According to the learned counsel for the petitioner, the respondent/husband filed H.M.O.P.No.426 of 2015 before the Family Court, Trichirappalli for dissolving the marriage. The petitioner is residing with her parents at Srivaikuntam and the petitioner is having 2 years old child. It is the contention of the petitioner that the Family Court, Trichy is far away from his place and the distance between Trichy and Srivaikuntam is 300 kms and hence, she filed the present transfer civil miscellaneous petition

3.The learned counsel for the respondent would submit that the request made by the petitioner cannot be considered by this Court for the reason that the Family Court is far away from Srivaikuntam. He has further submitted that in para 18 of the petition filed by the respondent/husband, the respondent has made some allegations against the petitioner and her family members. Therefore, there would be no feasibility for transferring the



petitioner from Trichy to Tuticorin. However, in the interest of justice, the respondent has agreed to transfer the petition from the Family Court, Trichy to Principal Subordinate Judge, Tirunelveli and the learned counsel for the petitioner has also agreed for the same.

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

5. In view of the submissions made on either side and 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(i) the case in H.M.O.P.No.426 of 2015 on the file of the Family Court, Trichy is hereby withdrawn and transferred to the file of the Principal Subordinate Court, Tirunelveli.

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

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

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

Sd/-

Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

To

1. The Family Court, Trichy.

2. The Principal Subordinate Judge, Tirunelveli.

+1 CC to Mr.G.PRABHU RAJADURAI, Advocate, SR No.59330

Order made in

**Tr.C.M.P. (MD) No.83 of 2016**

**and**

**C.M.P. (MD) No.1427 of 2016**

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SH/PV:21.10.2016:2P/4C