



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2017

CORAM:

THE HONOURABLE MS.JUSTICE S.BASKARAN

Tr.C.M.P.(MD) No.318 of 2017
and
C.M.P.(MD) No.6763 of 2017

T.Nandhini Raju

.. Petitioner / Respondent

Vs.

J.Sampath Kumar

.. Respondent / Petitioner

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the F.C.O.P.No.170 of 2017 on the file of the Family Court, Vellore and also transfer the same to the Family Court at Trichy.

For Petitioner : Mr.K.Prabhakar

For Respondent : Mr.J.Imran Khan for
Mr. T.S.Mohamed Mohideen

O R D E R

The petitioner has come forward with this petition seeking to withdraw F.C.O.P.No.170 of 2017 on the file of the Family Court, Vellore and also transfer the same to the Family Court at Trichy.

2.Heard, Mr.K.Prabhakar, learned Counsel appearing for the petitioner and Mr.J.Imran Khan, learned Counsel appearing for the respondent.

3.The petitioner has stated that the marriage between her and the respondent was solemnized on 27.08.2015 and they started happy matrimonial life and the respondent was not a good person and he abused the petitioner both physically and mentally. The petitioner became pregnant in January 2016 and she went to her parents home for delivery and a girl child was born to her on 08.09.2016 at Trichy. Thereafter, the respondent has not come forward to take her back to the matrimonial home. Hence, the petitioner issued a legal notice on 27.06.2017 and the same was received by the respondent. Thereafter, F.C.O.P.No.170 of 2017 was filed by the respondent seeking dissolution of marriage and the same is pending on the file of the Family Court, Vellore. The petitioner is now residing at Trichy and it is difficult for her to travel to Vellore which is nearly 200 Kilometers away from Trichy along with nine month old child. Hence, the petitioner seeks transfer of F.C.O.P.No.170 of



2017 on the file of the Family Court, Vellore to the Family Court at Trichy.

4. On the other hand, the learned counsel for the respondent contended that the respondent is presently employed as Assistant Engineer, Arcot Municipality and it is difficult for him to travel to Trichy for each and every hearing. However, the learned counsel for the respondent has no objection to entertain this petition if this matter is transferred to any other place including Perambalore, which is near by Trichy.

5. In such circumstances, considering the reason stated by the petitioner and the fact that the respondent has not raised any objection for transferring the F.C.O.P.No.170 of 2017 to the District Court, Perambalore, this Court is inclined to entertain this petition. The point is answered accordingly.

6. In the result, this petition is allowed and F.C.O.P.No.170 of 2017 pending on the file of the Family Court, Vellore, is ordered to be withdrawn and transferred to the file of the District Court at Perambalore for disposal. On receipt of records from the concerned Court, the transferee Court is directed to dispose of F.C.O.P.No.170 of 2017 as expeditiously as possible. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar.

To

1. The District Judge, Perambalore.

2. The Judge, Family Court, Vellore.

3. The Judge, Family Court, Trichy.

+1CC to Mr. T.S. Mohamed Mohidheen, Advocate, SR.No. 87108

+1CC to Mr. K. Prabhakar, Advocate, SR.No. 87668

Tr.C.M.P. (MD) No.318 of 2017

and

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gsp

AM/MR KKR/SAR 1/30.11.2017/2P/6C