



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2017

CORAM :

THE HONOURABLE MR. JUSTICE S. BASKARAN

Tr.C.M.P(MD) .No.336 of 2017
and
C.M.P(MD) .No.7076 of 2017

S.Vimala

... Petitioner

vs.

H.Raphael Sahaya Bharathson

... Respondent

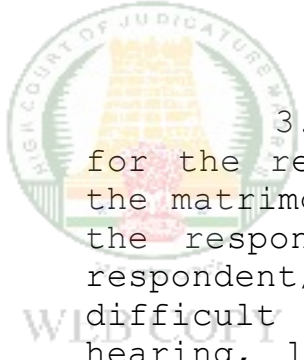
Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in I.D.O.P.No.108 of 2016 pending before the District and Sessions Court, Kanyakumari District at Nagercoil and transfer the same to the file of the Family Court, Chennai.

For Petitioner	: Mr.N.Pragalathan
For Respondent	: Mr.K.P.Narayanakumar

ORDER

The petitioner / wife has come forward with this petition seeking to transfer I.D.O.P.No.108 of 2016 from the file of the District and Sessions Court, Kanyakumari District at Nagercoil to the file of the Family Court, Chennai.

2.The petitioner/wife states that her marriage with the respondent was solemnized on 10.05.1999 and she lived happily in the matrimonial home. Out of the wedlock, two girl children were born to them during the year 2000 and 2002. Thereafter, due to the reasons known to the respondent, he forced the petitioner to go out of the matrimonial home and she is now residing with her family members in Chennai. Subsequently, the respondent/husband filed I.D.O.P.No.108 of 2016 on the file of the District Court, Kanyakumari District at Nagercoil seeking divorce. The petitioner is now living in Chennai and she finds it very difficult to travel to Nagercoil which is nearly 750 kilometers. Hence, she seeks to transfer I.D.O.P.No.108 of 2016 from the file of the District and Sessions Court, Kanyakumari at Nagercoil to the file of the Family Court, Chennai.



3. On the other hand, opposing the petition, the counsel for the respondent contends that the petitioner voluntarily left the matrimonial home and living with some body else. According to the respondent, their two daughters are now residing with the respondent/father only, at Kanyakumari District and it is very difficult for him to travel to Chennai, for each and every hearing, leaving behind his two grown up daughters. Hence, the respondent oppose this petition.

4. During the argument, both the counsels have agreed to have the matter transferred to any Court in Tuticorin, so that the apprehension of the petitioner about intimidations by the respondent in Kanyakumari District can be solved. Hence, this Court is inclined to entertain this petition and to transfer I.D.O.P.No.108 of 2016 to the Principal District Court, Tuticorin for disposal. The point is answered accordingly.

5. In the result, this petition is allowed and I.D.O.P.No.108 of 2016 is transferred from the file of the District and Sessions Court, Kanyakumari District at Nagercoil to the file of the Principal District Court, Tuticorin. The Principal District Judge, Tuticorin is directed to dispose of I.D.O.P.No.108 of 2016 as early as possible. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District and Sessions Judge, Kanyakumari @ Nagercoil.

2. The Principal District Judge, Tuticorin.

+1cc to Mr.K.P.Narayanakumar, Advocate Sr.No.85688

+1cc to Mr.N.Pragalathan, Advocate Sr.No.85420

TM/PSD

VB/MR/KKR/SAR2/20.11.2017/2P/5C

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