



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE S.BASKARAN

Tr.C.M.P.(MD) No.384 of 2017
and
C.M.P.(MD) No.7894 of 2017

Roselin ... Petitioner/Respondent

Vs.

Ebinezer ... Respondent/Petitioner

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw and transfer the I.D.O.P No.15/2015 on the file of the Principal Sessions and District Court, Ramanathapuram to Principal District Court, Thoothukudi.

For Petitioner : Mr.M.Mohan Gandhi
For Respondent : No Appearance

O R D E R

The petitioner has come forward with this petition seeking to transfer the case in I.D.O.P No.15/2015, pending on the file of the Principal Sessions and District Court, Ramanathapuram to the file of the Principal District Court, Thoothukudi.

2.The petitioner/wife stated that I.D.O.P No.15 of 2015 has been filed by the respondent/husband for restitution of conjugal rights and the same is pending. The marriage between the petitioner and the respondent was solemnized on 11.04.2013 and subsequently, due to ill treatment by the respondent, they are now living separately. The petitioner is now residing in her parents home in Shrivaikundam Taluk, Thoothukudi District and she is depending upon her parents for livelihood. According to the petitioner, it is very difficult for her to travel to Ramanathapuram, which is nearly 180 kms away from her native place. Hence, the petitioner seeks to transfer I.D.O.P.No.15 of 2015 from the file of the Principal Sessions and District Court, Ramanathapuram, to the file of the Principal District Court, Thoothukudi.

<https://hcservices.ecourts.gov.in/hcservices/> 3. In the absence of notice being served on the respondent, he has neither appeared in person nor through counsel.



4. In such circumstances, considering the reasons stated by the petitioner and the fact that the petitioner is living about 180 kms away from Ramanathapuram, this Court is inclined to entertain this petition.

5. Accordingly, the case in I.D.O.P No.15/2015 pending on the file of the Principal Sessions and District Court, Ramanathapuram is transferred to the file of the Principal District Court, Thoothukudi. The present Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

1. The Principal Sessions and District Court,
Ramanathapuram.

2. The Principal District Court, Thoothukudi.

+One cc to M/s.S.M.Mohan Gandhi, Advocate, SR.No.81838

KM/TM

RL/4C/2P/JC/SAR1/13/10/2017

ORDER MADE IN
Tr.C.M.P. (MD) No.384 of 2017
and
C.M.P. (MD) No.7894 of 2017

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