



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.BASKARAN

Tr.C.M.P. (MD) No.456 of 2017

and

C.M.P. (MD) Nos.8960 & 9901 of 2017

B.Vasuki

.. Petitioner/Respondent

Vs.

C.Mathivanan

.. Respondent/Petitioner

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw and transfer the H.M.O.P.No.87 of 2017 from the file of Subordinate Court, Kancheepuram to the file of the Family Court at Tiruchirappalli.

For Petitioner

: Mr.R.Narayanan

For Respondent

: Mr.A.P.Loganathan

O R D E R

The petitioner has come forward with this petition seeking to transfer H.M.O.P.No.87 of 2017 pending on the file of the Subordinate Court, Kancheepuram to the file of the Family Court at Tiruchirappalli.

2.The petitioner has stated that the marriage between her and the respondent was solemnized on 12.03.2014 and they lived together in Bangalore. She gave birth to a child with physical disability and the child did not survive for long. The petitioner is presently residing at Tiruchirappalli in her maternal aunt's home and subsequently, the respondent filed H.M.O.P.No.87 of 2017, seeking dissolution of marriage on the file of Subordinate Court, Kancheepuram. Now, the petitioner is doing her Doctorate Studies.

3.The petitioner also produced the registration certificate of Ph.D., course, dated 11.10.2017 and also a copy of fees receipt for the course and also fees receipt for the hostel, in which she is now staying. It is clear from the said documents that the petitioner is now doing Ph.D., course at Bharathidasan University, Tiruchirappalli on regular basis and she is staying in the hostel from the month of October 2017. Hence, the petitioner



seeks transfer of H.M.O.P.No.87 of 2017 from the file of the Subordinate Court, Kancheepuram to the file of the Family Court at Tiruchirappalli.

4.The learned counsel for the respondent contended that the petitioner is a permanent resident of Madurai and he produced the Voter Identify Card in respect of the same. He further contended that if this petition is entertained, the respondent will be put to great difficulties. Since the petitioner is a permanent resident of Madurai, he has no objection for transferring the petition to Madurai. Thus, he prayed for dismissal of this petition with costs.

5.However considering the documents filed by the petitioner, it is clear that the petitioner is at present doing full time Ph.D course i.e., regular basis Ph.D course at Bharathidasan University, Tiruchirappalli and she is staying there. In such circumstances, the contention of the petitioner that she is not in a position to go to Kancheepuram to attend the hearings in H.M.O.P.No.87 of 2017 is to be considered and it is appropriate to entertain the petition. The Point is answered accordingly.

6.In the result, this petition is allowed and H.M.O.P.No.87 of 2017 pending on the file of the Subordinate Court, Kancheepuram, is ordered to be withdrawn and transferred to the file of the Family Court at Tiruchirappalli for disposal. On receipt of records from the concerned Court, the transferee Court is directed to dispose of H.M.O.P.No.87 of 2017 as early as possible. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Subordinate Judge, Kancheepuram.

2.The Family Court, Tiruchirappalli.

+1cc to Mr.R.Narayanan, Advocate Sr.No.86645

GSP

VB/SKN/RSK/SAR2/22/11/2017/2P/4C

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