



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.C.M.P. (MD) .No.54 of 2017

and

C.M.P. (MD) .No.1294 2017

Velvizhi

.. Petitioner/Petitioner

Vs.

Chellpandian

.. Respondent/Respondent

Prayer:- Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P.No.363 of 2016 on the file of the learned Subordinate Judge, Ponnammalle and transfer the same to the file of Family Court, Srivilliputtur.

For Petitioner : Mr.S.Anwar Sameem
for Mr.I.Velpradeep

For Respondent : Mr.D.Siva Raman

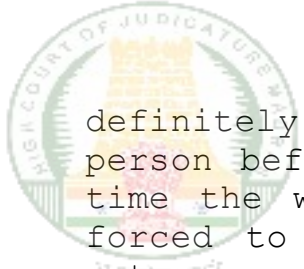
ORDER

The wife, who is the respondent in H.M.O.P.No.363 of 2016 on the file of the Sub Court, Poonamalee seeks transfer of the same to the Family Court at Srivilliputhur. The said petition has been filed by the husband under Section 13(1)(ia) of The Hindu Marriage Act, 1955.

2. Even in the original petition, the address of the respondent is shown as No.20, Mettu Street, Srivilliputhur, Virudhunagar District, the learned counsel for the respondent would contend that the marriage alone took place at Srivilliputhur and the parties are residing at Chennai after the marriage and the respondent husband is residing at Chennai and even now, he is employed at Chennai. Therefore, it is very difficult for him to travel to Srivilliputhur for every hearing, particularly, if the case is transferred to Family Court, Srivilliputhur.

3. Heard both sides and perused the materials available on record.

4. In matrimonial proceedings, the convenience of both the parties have to be balanced. If the matter is transferred to the Family Court, Srivilliputhur, then the respondent husband will be



definitely put to hardship, if he has to attend every hearing in person before the Family Court at Srivilliputhur and at the same time the wife, who is residing at Srivilliputhur cannot be also forced to travel Poonamallee, which is situated about 550 kilo metres away from Srivilliputhur.

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5. Considering the convenience of both the parties, this Court is inclined to withdraw H.M.O.P.No.363 of 2016 pending on the file of the Sub Court, Poonamallee and transfer the same to Sub Court, Sivakasi, which is very nearer to Srivilliputhur and the respondent husband will also not face the difficulty of appearing in person for every hearing of the case. The Sub Court, Poonamallee is directed to transmit the papers in H.M.O.P.No.363 of 2016 to the Sub Court, Sivakasi, within a period of two weeks from the date of receipt of a copy of this order and the Sub Court, Sivakasi, on receipt of the records shall issue notice to the parties and proceed with the case.

6. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Subordinate Judge,
Ponnamalle.

2.The Subordinate Judge,
Sivakasi.

3.The Judge,
Family Court,
Srivilliputhur,
Virudhunagar District.

+1 cc to Mr.I.Vel Pradeep , Advocate in SR.No. 54540

+1 cc to Mr.D.Sivaraman , Advocate in SR.No. 54625

PJL

AE/SV/SAR4/12.06.2017/2P/6C

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