



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.02.2019

WEB COPY

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.No.95 of 2018

Nandhini

... Petitioner

Vs.

Balamurugan

... Respondent

PRAYER : Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw the H.M.O.P.No.4406 of 2016 on the file of 1<sup>st</sup> Additional Family Court, Madras and transfer it to a competent Court at Virudhunagar District.

For petitioner : M/s.Karolin Geetha  
For respondent : M/s.K.S.Ramakrishnan

O R D E R

This petition is filed by the petitioner seeking to withdraw the H.M.O.P.No.4406 of 2016 pending on the file of I Additional Family Court, Madras and transfer it to a competent Court at Virudhunagar District.

2. The petitioner is the wife. The respondent / husband filed a divorce petition in H.M.O.P.No.4406 of 2016 before I Additional Family Court, Chennai. The petitioner is a resident of Virudhanagar and having five years old child. The petitioner / wife has also filed a maintenance case before the Judicial Magistrate I, Virudhunagar. She finds it very difficult to travel, for every hearing, from Virudhunagar to Chennai, to contest the case, filed by the respondent. The distance between Chennai and Virudhanagar is more than 550 Kms and it is very difficult for the petitioner / wife to travel such a long distance along with her child.

3. Considering the convenience of the parties and the physical and mental hardship caused to the petitioner as well as to her child, this Court is inclined to transfer H.M.O.P.No.4406 of 2016 filed by the respondent / husband before



the I Additional Family Court, Chennai to Sub Court, Virudhanagar.

4. In order to avoid hardship to the respondent in attending the cases before Sub-Court & Judicial Magistrate, on different dates, in the interest of Justice, it is better to have both cases tried simultaneously before the same Court.

5. Accordingly, H.M.O.P.No.4406 of 2016 pending on the file of the I Additional Family Court, Chennai and M.C.No.2 of 2017 pending on the file of Judicial Magistrate I, Virudhunagar are withdrawn and transferred to Sub Court, Virudhunagar.

6. The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Judicial Magistrate I, Virudhunagar.

2. The Presiding Judge,  
The I Additional Family court, Chennai.

3. The Sub Judge, Virudhunagar.

+1cc to Mr.K.Samba Sathasivam, Advocate sr.17967

+1cc to M/s.Karolin Geetha, Advocate sr.16952

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nr 21/06/2019