

IN THE HIGH COURT OF JUDICATURE AT MADRAS

JUDGMENT RESERVED ON : 26.11.2018

JUDGMENT PRONOUNCED ON : 04.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Transfer CMP. No.751 of 2018 &
CMP No.18410 of 2018

N. Ramalakshmi Petitioner / Respondent

Vs

C. Marimuthu Respondent / Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure with a prayer to withdraw the case in HMOP No.2481 of 2017 on the file of III Additional Principal Judge, Family Court, Chennai and to transfer the same to the Subordinate Court, Sivakasi to try along with the case in HMOP No.268 of 2017, pending on the file of Subordinate Court, Sivakasi.

For Petitioner : Mr.B. Ram Prasath

For Respondent : Mr. T. Nixon

O R D E R

This Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure with a prayer to withdraw the case in HMOP No.2481 of 2017 on the file of III Additional Principal Judge, Family Court, Chennai and to transfer the same to the Subordinate Court, Sivakasi to try along with the case in HMOP No.268 of 2017, pending on the file of Subordinate Court, Sivakasi.

2. The Petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was conducted on 09.02.2015 at Sivakasi Arulmigu Arunjunaikatha Ayyanar Thirukkoil Mandapam as per Hindu Religious rites and Customs. After the marriage, both the petitioner and the

respondent were living in the matrimonial home in Chennai. From the month of February - 2016, the respondent ill-treated the petitioner, resultantly she has been sent out from the matrimonial home. Now the petitioner was residing with her parents at Sivakasi. In the mean time, the respondent had filed an application before III Additional Family Court, Chennai, in which, he seeks relief of diverse and the said application was pending with the said Court in HMOP No.2481 of 2017. In the meantime, the petitioner had filed one application before the Subordinate Court, Sivakasi in HMOP No.268 of 2017 praying for restitution of conjugal rights.

3. The distance between Sivakasi and Chennai is about 550 kms. It is very difficult for the petitioner to attend the Court proceedings in Chennai without the help of other persons. Further, since the petitioner is not having any independent income, it is very difficult to bear the travelling expenses and accommodation expenses. Accordingly, the reasons stated by the petitioner, for allowing this application is factually justifiable.

4. However, the petitioner admitted that the respondent is working in Chennai. Considering the distance between Chennai and Sivakasi, it is very difficult to reach the respondent for attending every hearing in Sivakasi. So, this Court is thought that the convenient place for both the petitioner and the respondent for attending the Court proceedings is Madurai.

5. Accordingly, considering the convenience of the petitioner as well as the respondent, I am of the considered view that transferring the case in HMOP No.2481 of 2017 on the file of III Additional Principal Judge, Family Court, Chennai and the case in HMOP No.268 of 2017 pending on the file of Subordinate Court, Sivakasi to Family Court, Madurai is appropriate.

6. In the result, the Transfer civil Miscellaneous Petition is ordered. The case in HMOP No.2481 of 2017 on the file of III Additional Principal Judge, Family Court, Chennai and the case in HMOP No.268 of 2017 pending on the file of Subordinate Court, Sivakasi are ordered to be withdrawn from the respective Courts and ordered to be transferred the same to the file of Family Court, Madurai within a period of two weeks from the date of receipt of copy of this order. The III Additional Principal Judge, Family Court, Chennai and the Subordinate Judge, Sivakasi are ordered to transmit the respective case

records immediately to the Family Court, Madurai, within the period of two weeks from the date of receipt of copy of this Order. On receipt of such records, the Presiding Officer of the Family Court, Madurai is directed to dispose both the cases either by jointly or by simultaneously as expeditiously as possible. The connected miscellaneous petition closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vrn

To

1. The III Additional Principal Judge,
Family Court, Chennai
2. The Subordinate Judge,
Sivakasi
3. The Presiding Officer, Family Court,
Madurai.

Transfer CMP No. No.751 of 2018

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srg 20/12/2018

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