



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P. (MD) No.142 of 2018

and

C.M.P. (MD) No.2958 of 2018

I.Catherin Mejila

... Petitioner

-vs-

J.John Brito

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the proceedings in I.D.O.P.No.136 of 2017 pending on the file of the District Court, Dindigul to the District Court, Kanyakumari at Nagercoil or any other competent Court in Kanyakumari District.

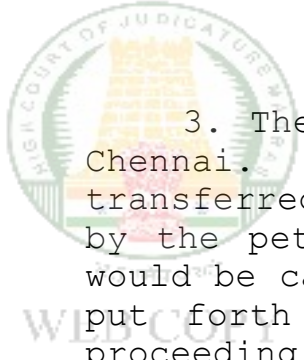
For Petitioner : Mr.K.Vamanan

For Respondent : Mr.K.K.Samy

O R D E R

The petitioner is the wife. The respondent is the husband. It is seen that the respondent has levied I.D.O.P.No.136 of 2017 for dissolution of marriage and the same is pending on the file of the District Court, Dindigul. Seeking transfer of the above proceeding to Kanyakumari District Court, the present transfer petition has been laid by the petitioner on the footing that she is residing with her aged parents and is unable to attend the proceeding at Dindigul and also have to look after her young child and therefore prayed for transfer of the proceeding to Kanyakumari District Court and also contended that the respondent is presently working at Chennai and in such circumstances, if the proceeding is tried and determined at Kanyakumari District Court, no serious prejudice would be caused to the respondent and accordingly prayed for transfer.

2. The respondent's Counsel fairly conceded that the respondent is presently working at Chennai, however would contend that inasmuch as the Court at Dindigul had the jurisdiction, the respondent had levied the proceeding at Dindigul Court and accordingly put for that the continuance of the proceeding at Dindigul Court would not cause any serious prejudice to the petitioner.



3. The fact remains as on date, the respondent is working at Chennai. In such view of the matter, if the proceeding is transferred and tried at Kanyakumari District Court as prayed for by the petitioner, it is seen that no serious prejudice or loss would be caused to the respondent. That apart, the petitioner has put forth certain inconvenience and hardship in attending the proceeding at Dindigul Court. The petitioner being a lady and also have to look after her young child, it is seen that she would face certain difficulties and hardship in attending the proceeding at Dindigul Court. If the proceeding is transferred to Kanyakumari District Court, it is noted that no serious prejudice and hardship would be caused to either of the parties. Thus it is seen that the petitioner has made out sufficient cause for acceding to the transfer request. Resultantly, I.D.O.P.No.136 of 2017 is withdrawn from the file of the District Court, Dindigul and transferred to the file of the District Court, Kanyakumari District at Nagercoil for disposal as per law. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The District Court, Dindigul.
2. The District Court, Kanyakumari District at Nagercoil.

+1 cc TO Mr.K.K.Samy, ADVOCATE IN SR NO.97280
+1 cc TO Mr.K.Vamanan, ADVOCATE IN SR NO.97800

SSL

MK/ES/RSK/SAR 2/27.12.2018/2P/5C

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