



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

TR. C.M.P. (MD) No. 183 of 2018
and C.M.P. (MD) No.4376 of 2018

C.Jaya Sathiya

.. Petitioner

Vs.

S.Anthony Nirmal Singh

.. Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, praying to withdraw the I.D.O.P. No.108 of 2017 on the file of the Principal District Court, Thoothukudi and transfer the same to the file of Family Court, Tirunelveli and to stay all further proceedings in I.D.O.P. No.108 of 2017 pending on the file of the Principal District Court, thoothukudi, pending disposal of the Transfer Miscellaneous Petition.

For Petitioner : Mr.G. Aravinthan
For Respondent : No appearance.

ORDER

This Transfer Civil Miscellaneous Petition filed seeking to withdraw the I.D.O.P. No.108 of 2017 on the file of the Principal District Court, Thoothukudi and transfer the same to the file of Family Court, Tirunelveli and to stay all further proceedings in I.D.O.P. No.108 of 2017 pending on the file of the Principal District Court, thoothukudi, pending disposal of the Transfer Miscellaneous Petition.

2. The learned Counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 26.04.2010 at Saint Anees Church, Rajakrishnapuram as per the Christian rites and rituals. After the marriage, both of them lived happily in matrimonial abode at Chennai. The doubtful and dubious nature of the respondent leads to several issues between the petitioner and the respondent and on finally, on 30.05.2016, the respondent thrown the petitioner out of the matrimonial home at Chennai. Thereafter, the petitioner went to her parent's house. <https://hcservices.hcourtsonline.in/hcservices/> the respondent filed a petition in I.D.O.P No.108 of 2017 before the Principal District Court, Thoothukudi, seeking divorce.



3. The learned counsel appearing for the petitioner further contend that it is very difficult for the petitioner to travel from Thoothukudi to Tirunelveli for attending each and every hearing of the case. Therefore, she has come forward with the present petition for transfer.

4. Though the Transfer Civil Miscellaneous Petition has been filed to transfer the I.D.O.P. No.108 of 2017 on the file of the Principal District Court, Thoothukudi to the file of Family Court, Tirunelveli, during the course of argument, the learned counsel for the petitioner was restricted his prayer to the extent of early disposal of the I.D.O.P. No.108 of 2017 which is pending on the file of the Principal District Court, Thoothukudi.

5. In view of the limited prayer sought for by the learned counsel for the petitioner, the learned Principal District Judge, Thoothukudi is directed to dispose of the I.D.O.P No.108 of 2017, on merits and in accordance with law, within the period of three months, from the date of receipt of a copy of this order, after issuing notice to both the parties.

6. The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge,
Thoothukudi.
2. The Judge, Family Court,
Tirunelveli.

+ 1 CC TO Mr.G.ARAVINTHAN, ADVOCATE IN SR No. 71094

KSA

TE/SV/SAR-2 : 18/07/2018 : 2P/4C

TR. C.M.P. (MD) No. 183 of 2018
03.07.2018