



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P. (MD) No.246 of 2017
and
C.M.P. (MD) No.5877 of 2017

N.Jeyanandhini ... Petitioner/Respondent/Wife

-vs-

S.Anandhababu ... Respondent/Respondent/Husband

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the original petition in H.M.O.P.No.122 of 2017 on the file of the Family Court, Madurai has to be transferred to the file of the Subordinate Court, Theni.

For Petitioner : Mr.R.Shankar Ganesh
For Respondent : No appearance

O R D E R

The petitioner is the wife. The respondent is the husband. All is not well *qua* the marital life of the parties. It is seen that the petitioner has levied domestic violence case against the respondent in D.V.A.P.No.12 of 2017 and the same is pending on the file of the Judicial Magistrate Court, Theni. At this stage of the matter, it is seen that the respondent has levied H.M.O.P.No.122 of 2017 for restitution of conjugal rights against the petitioner and the same is pending on the file of the Family Court, Madurai.

2. Seeking transfer of the respondent's H.M.O.P. to Theni Court, the present transfer petition has been filed by the petitioner for the reasons that she is residing with her aged parents and unable to attend the proceeding at Madurai Court and also required to look after her feeding child and therefore, prayed for transfer. Furthermore it is contended that only as a counter blast to the domestic violence case laid by the petitioner, the respondent has laid H.M.O.P.No.122 of 2017 for restitution of conjugal rights before the Madurai Court.

<https://hcservices.ecourts.gov.in/hcservices/>

3. In this matter, though the respondent entered appearance through the advocate, when the matter is called, there is no



representation for the respondent and accordingly, the respondent being called, remained absent and he is set exparte.

4. The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Madurai Court and the same has not controverted by the respondent by contesting the petitioner's case and as above noted, he is set exparte. Furthermore it is seen that the petitioner being a lady and depending upon her aged parents and also have to look after her feeding child would find it difficult and hardship in attending the proceeding at Madurai Court. Thus it is seen that the petitioner has projected sufficient cause for acceding to the transfer request put forth by her. In addition to that, the respondent would be required to defend the domestic violence case laid against him by the petitioner pending on the file of the Judicial Magistrate Court, Theni and in such view of the matter, if the proceeding is transferred to the Theni Court as prayed for by the petitioner, no serious prejudice would be caused to the respondent by way of the same.

5. For the reasons afore stated, H.M.O.P.No.122 of 2017 is withdrawn from the file of the Family Court, Madurai and transferred to the file of the Subordinate Court, Theni 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 (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To:

1. The Judge, Family Court, Madurai.
2. The Subordinate Judge, Theni.

+ 1 CC TO Mr.R.SHANKAR GANESH, ADVOCATE IN SR No. 97424

SSL

TE/BK/SAR-4 : 05/12/2018 : 2P/4C

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