



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P. (MD) No.410 of 2017

and

C.M.P. (MD) No.8240 of 2017

A.Juliet @ Blessy

... Petitioner/Respondent

-vs-

A.Sakaya Vijay Anand

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to transfer the case in I.D.O.P.No.32 of 2016 pending on the file of the learned Family Court Judge, Madurai to the file of learned Family Court, Tuticorin District.

For Petitioner : Mr.G.Sulthan Sha

For Respondent :No representation, called absent-
set exparte

O R D E R

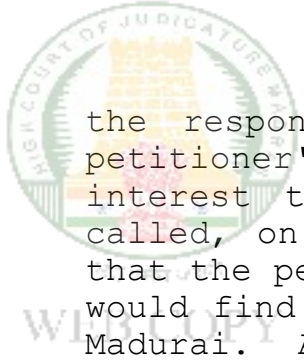
The petitioner's arguments are heard.

2. Despite the matter being called twice, no representation for the respondent. The respondent called, absent and set exparte.

3. The petitioner is the wife. The respondent is the husband. The Transfer Civil Miscellaneous Petition has been laid by the petitioner/wife seeking transfer of I.D.O.P.NO.32 of 2016 preferred by the respondent/husband for restitution of conjugal rights.

4. It is seen that the marital life between the parties is not cordial. It is further noted that the petitioner has laid the Domestic Violence case against the respondent and the same is pending on the file of the Judicial Magistrate Court No.II, Thoothukudi. Seeking transfer of I.D.O.P., laid by the respondent for restitution of conjugal rights on the file of the Family Court, Madurai to the Family Court, Thoothukudi, the present petition has been laid by the petitioner/wife on the footing that she is finding it difficult to attend the proceeding at Madurai on account of the distance factor and furthermore, it is her case that she is depending upon her aged parents and has to look after her two children and therefore, experiencing difficulty and hardship in attending the proceeding at Madurai and therefore, prayed for transfer.

5. The petitioner has put forth certain inconvenience and hardship in attending the marital proceeding at Madurai Court and



the respondent has not controverted the same by contesting the petitioner's case and inasmuch as the respondent has not shown interest to contest the matter, accordingly, when the matter is called, on his being absent, he has been set exparte. It is seen that the petitioner being a lady and have to look after her children would find it difficult and hardship in attending the proceeding at Madurai. Accordingly it is seen that the petitioner has, no doubt, made a justified cause for seeking transfer. It is seen further that no serious prejudice would be caused to the respondent if the proceeding is transferred to the Thoothukudi Court, as he would be required to face the Domestic Violence case laid against him by the petitioner pending on the file of the Judicial Magistrate Court, Thoothukudi.

6. In all it is seen that the petitioner has projected a sufficient cause for acceding to the transfer request. Resultantly, I.D.O.P.No.32 of 2016 is withdrawn from the file of the Family Court, Madurai and transferred to the file of the Family Court, Thoothukudi 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(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

1.The Family Court, Madurai.

2.The Family Court, Thoothukudi.

+1cc to C.M.Arumugam, Advocate Sr.No.96572

SSL

KM/SV/SAR2/12.12.2018/2P/4C

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