



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE T. RAVINDRAN

Tr.C.M.P. (MD) No.547 of 2017

and

C.M.P. (MD) No.11976 of 2017

C.Maria Vijila

... Petitioner

-vs-

1.J.Christopher

2.K.Manikandan

... Respondents

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24(b) (ii) of the Code of Civil Procedure to withdraw the petition in I.D.O.P.No.121 of 2017 from the file of the Principal District Judge, Dindigul and transfer the same to the file of the District Judge, Tuticorin.

For Petitioner : Mr.N.Subramanian

For Respondent : S.R.Suresh Kumar
for R.1

: Mr.S.Anand Chandrasekar
for Sarvabhauman Associates
for R.2

O R D E R

The petitioner is the wife. The first respondent is the husband. All is not well *qua* the marital life of the parties. It is seen that the first respondent has preferred I.D.O.P.No.121 of 2017 seeking divorce against the petitioner on the ground of adultery and the same is pending on the file of the Principal District Court, Dindigul.

2. Seeking transfer of the above said proceeding to the District Court, Tuticorin, the petitioner has come forward with the transfer request on the footing that she is depending upon her parents and also have to look after her two children and considering the distance between Dindigul and Tuticorin being on higher side, she is finding it difficult and inconvenience in attending the proceeding at Dindigul Court and thereby sought for transfer. Further it is stated that the first respondent, running a provision store, would not be seriously prejudiced if the proceeding is conducted at District Court, Tuticorin.

3. The first respondent's Counsel contended that the continuance of the proceeding at Dindigul Court would not cause any prejudice to the petitioner and according to him, the presence of the petitioner may not required on all the hearing dates before the Dindigul Court and therefore prayed for dismissal of the transfer petition.



4. The second respondent's Counsel has not put forth any submission as regards the transfer request of the petitioner.

5. 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 children, furthermore depending solely upon her parents and considering the distance between Dindigul and Tuticorin, it is seen that as rightly put forth by the petitioner, the petitioner would find it difficult and inconvenient in attending the proceeding at Dindigul Court. Thus it is seen that the petitioner has projected a sufficient cause for acceding to the transfer request as prayed for.

6. Inasmuch as the respondent is found to be an employed person and running a provision store, if the proceeding is transferred to Tuticorin Court, by way of the same, no prejudice is found to be caused to the respondent. In all it is seen that ends of justice would be satisfied if the proceeding is ordered to be conducted at Tuticorin Court.

7. For the reasons aforestated, H.M.O.P.No.121 of 2017 is withdrawn from the file of the Principal District Court, Dindigul and transferred to the file of the Family Court, Tuticorin 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()

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1. The Principal District Judge, Dindigul.

2. The Judge Family Court, Tuticorin.

+1cc to S.R.Suresh Kumar, Advocate Sr.No.98671

+1cc to M/s.P.Jessi Jeeva Priya, Advocate Sr.No.98698

+1cc to Sarvabhauman Associates, Advocate Sr.No.98822

SSL

KM/SV/SAR1/26.12.2018/2P/6C

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