



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

TR.C.M.P. (MD) No.239 of 2018

and

C.M.P. (MD) No.6013 of 2018

Senmbagavalli

... Petitioner

Vs.

Karumeni

... Respondent

Prayer: Petition filed under Section 24 of Civil Procedure Code praying to withdraw the case in H.M.O.P.No.46 of 2017 on the file of the Principal Sub Court, Tenkasi and transfer the same to the file of Family Court, Nagercoil.

For Petitioner: Mr.S.Sivaprakash

For Respondent: Mr.I.Pinaygash

ORDER

Heard the learned Counsel appearing on either side.

2. The petitioner got married to the respondent on 01.02.2017. The relationship between the parties appears to have come under strain. The respondent filed H.M.O.P.No.46 of 2017 before the Principal Sub Court, Tenkasi. The petitioner is based in Nagercoil. Therefore, it will be difficult for the petitioner to go to Tenkasi and contest the proceedings there. Taking into account the fact that the petitioner is a woman, in the interest of justice, this Court withdraws H.M.O.P.No.46 of 2017 from the file of Principal Sub Court, Tenkasi, and transfers the same to Family Court, Nagercoil. The Family Court, Nagercoil, shall intimate the next date of hearing to the respondent herein. The respondent need not appear before the Family Court, Nagercoil, in person. He can appear through Counsel. Of course, the respondent has to appear on counselling dates and on those days when his examination as a witness is necessary.

3. It is seen that the marriage between the parties took place only based on the consent of the parties. There is no issue born through the wedlock. Taking into account this aspect, subject to the work load of the Court below, the H.M.O.P., is directed to be disposed of expeditiously.



4. This transfer civil miscellaneous petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1.The Principal Subordinate Judge,
Tenkasi.

2.The Judge,
Family Court,
Nagercoil.

+ 1 CC TO MR.S.SIVAPRAKASH, ADVOCATE IN SR NO.85366

+ 1 CC TO MR.I.PINAYGASH, ADVOCATE IN SR NO.85175

GK

BU/VB/SKN/SAR-I :22.10.2018 : 2P/5C

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