



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

TR.C.M.P. (MD) No.249 of 2018

and

C.M.P. (MD) Nos.6347 and 6348 of 2018

Vijayalakshmi @ P.Kalpana

... Petitioner/Respondent

-Vs-

Jeganath Prabhu

... Respondent/Petitioner

Prayer: This Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw the case in H.M.O.P.No.56 of 2017 on the file of the the Family Court, Srivilliputhur, Virudhunagar District and transfer the same preferably to the file of the Family Court No.I, Chennai.

For Petitioner : Mr.M.Sathiamoorthy

For REspondent : Mr.Laxman

For Mr.G.Thalaimutharasu

ORDER

The petitioner got married to the respondent on 27.08.2008 at Srivilliputhur. The petitioner is the wife. Both are Doctors. The respondent has filed H.M.O.P.No.56 of 2017 before the Family Court, Srivilliputhur, seeking dissolution of the said marriage. There is no child born through wedlock. The petitioner went to pursue higher studies to Chennai and is presently staying there. On the other hand, the respondent is the Government Doctor and Anesthetist.

2.The learned counsel appearing for the respondent submits that the personal appearance of the petitioner can be dispensed with and that he would also incur travel expenses of the petitioner.

3.I am of the view that since the respondent has filed H.M.O.P.No.56 of 2017 only before the proper Court, the same does not warrant transfer. At the same time, taking note of the fact that the petitioner is a woman and that she is also a Doctor, some relief can be given to her.

4.The personal appearance of the petitioner before the Family Court, Srivilliputhur in H.M.O.P.No.56 of 2017 is dispensed with. The petitioner of course has to appear for counselling and on those dates, when her appearance is essential. On other hearing dates, the petitioner can appear through counsel. The undertaking given by



the respondent that he would bear the travel expenses of the petitioner is recorded.

5.The learned counsel appearing for the petitioner expressed certain difficulties.

6.Since the petitioner is presently writing the final semester of her M.D. Course, the Court below may fix the dates according to the petitioner's convenience.

7.With this direction, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-I)

Myr

To

The Judge,
Family Court, Srivilliputhur,
Virudhunagar District.

+1cc to Mr.M.Sathiamoorthy, Advocate in SR No.82851
+1cc to Mr.G.Thalaimutharasu, Advocate in SR No.83319

TR.C.M.P. (MD) No.249 of 2018

NM/PM/SAR 1/03.10.18/2P/4C