



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P. (MD) No.290 of 2018

and

C.M.P. (MD) No.7178 of 2018

A.Jebila Pringle

... Petitioner

-vs-

Vinod Thangasamy

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the proceedings in I.D.O.P.No.3 of 2018 pending on the file of the Family Court, Erode to the District Court, Kanyakumari District at Nagercoil or any other competent Court in Kanyakumari District.

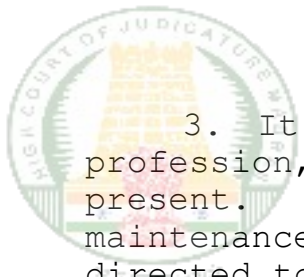
For Petitioner : Mr.K.Vamanan

For Respondent : Mr.G.Kasinathadurai

ORDER

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 respondent has laid I.D.O.P.No.3 of 2018 for divorce and the same is pending on the file of the Family Court, Erode. Seeking transfer of the above said proceeding to the District Court, Kanyakumari District, the petitioner/wife has laid the transfer petition on the footing that she is residing at Kanyakumari with her aged parents and also have to look after her child and furthermore it is also pleaded by her that she has laid maintenance claim against the respondent in M.C.No.13 of 2017 and that the maintenance has been ordered in her favour and that the respondent has not cared to pay the maintenance as ordered by the Court and it is also further pleaded by her that she has laid domestic violence case against the respondent and the same is pending on the file of the Judicial Magistrate Court No.II, Nagercoil and accordingly prayed for transfer of the husband's proceeding to Nagercoil Court.

2. The husband contested that the transfer request of the petitioner by putting forth that no serious prejudice would be caused to the petitioner, if the proceeding is allowed to continue at Erode Court and therefore, prayed for dismissal of the transfer



3. It is noted that though the petitioner is a dentist by profession, according to her Counsel, she is not employed at present. Furthermore it is noted that the petitioner has laid maintenance claim against the respondent and the respondent had been directed to pay the maintenance to her and her child, but till date, the respondent has not shown interest to pay the maintenance claim. In such view of the matter, if the petitioner is directed to attend the proceeding at Erode Court, she would be further mulcted with costs and thereby experience difficulty and hardship. That apart, the domestic violence case preferred by the petitioner is pending on the file of the Judicial Magistrate Court No.II, Nagercoil and in such view of the matter, it is seen that as the respondent would be required to defend the above said proceeding at Nagercoil, no prejudice would be caused if the proceeding is transferred to the Nagercoil Court. That apart, the petitioner would also be required to look after her child and in such view of the matter, if she is directed to attend the proceeding at Erode Court, she would be further experiencing difficulty and hardship. For the reasons stated above, if the respondent is directed to conduct the proceeding at Nagercoil Court, no serious prejudice would be caused to him.

4. For the reasons afore stated, the petitioner has made a sufficient cause for acceding to the transfer request as prayed for. Resultantly, I.D.O.P.No.3 of 2018 is withdrawn from the file of the Family Court, Erode and transferred to the file of the District Court, Kanyakumari District at Nagercoil 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(P&A)

/True Copy/

Sub Assistant Registrar(CS-IV)

To:

1.The Family Court, Erode.

2. The District Court, Kanyakumari District at Nagercoil.

+1 cc to Mr.K.Vamanan,Advocate,SR.No.96948

+1 cc to Mr.G.KasinathaDurai, SR.No.96726

ssl

SS/RSK/SAR 4/19.12.2018/2P/5C

Tr.C.M.P. (MD) No.290 of 2018
and

C.M.P. (MD) No.7178 of 2018
26.11.2018