



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P. (MD) No.476 of 2018
and
C.M.P.(MD)No.10975 of 2018

Kaleeswari

... Petitioner

-vs-

P.Pandidurai

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.155 of 2018, pending on the file of the learned Family Court, Dindigul and transfer the same to the learned Subordinate Court, Palani for disposal of the same in accordance with law.

For Petitioner : Mr.S.Karthik

For Respondent : Mr.T.Lenin Kumar

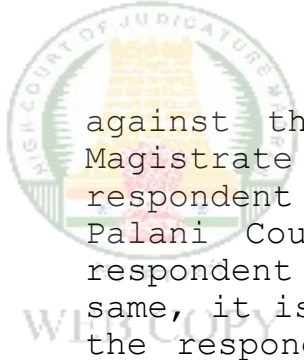
O R D E R

The petitioner is the wife. The respondent is the husband. The respondent has laid a divorce case against the petitioner in H.M.O.P.No.155 of 2018 and the same is pending on the file of the Family Court, Dindigul. It is noted that the petitioner has levied a maintenance case against the respondent in M.C.No.13 of 2018 and the same is pending on the file of the Judicial Magistrate Court, Palani. Seeking transfer of the divorce proceeding of the husband to Palani Subordinate Court, the petitioner has come forward with the transfer petition on the footing that the petitioner is experiencing difficulty and hardship in attending the proceeding at Dindigul considering the distance factor and also the petitioner has to look after her child and furthermore the respondent has not paid the maintenance to the petitioner and if she is directed to attend the proceeding at Dindigul Court, she would be further mulcted with costs and accordingly prayed for transfer.

2. The respondent's Counsel contended that the continuance of the proceeding at Dindigul Court would not cause any prejudice to the petitioner and accordingly prayed for dismissal of the transfer petition.

<https://heservices.ecourts.gov.in/hcservices/>

3. Admittedly, the maintenance case levied by the petitioner



against the respondent is pending on the file of the Judicial Magistrate Court, Palani. In such view of the matter, the respondent would be required to defend the above said proceeding at Palani Court and accordingly, if the divorce proceeding of the respondent is also transferred to the Palani Court, by way of the same, it is seen that no serious prejudice or loss would be caused to the respondent. Furthermore the petitioner has put forth certain inconvenience and hardship in attending the proceeding at Dindigul Court and the same cannot be easily discarded. The petitioner would also be required to look after her child and in such view of the matter, it is seen that the petitioner has made out sufficient cause for acceding to the transfer request.

4. In conclusion, H.M.O.P.No.155 of 2018 is withdrawn from the file of the Family Court, Dindigul and transferred to the file of the Subordinate Court, Palani 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 (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To:

1. The Judge, Family Court, Dindigul.
2. The Subordinate Judge, Palani.

+ 1 CC TO Mr.T.LENIN KUMAR, ADVOCATE IN SR No. 97211
+ 1 CC TO Mr.S.KARTHICK, ADVOCATE IN SR No. 97203

SSL

TE/SV/SAR-4 : 17/12/2018 : 2P/5C

Tr.C.M.P. (MD) No.476 of 2018 and
C.M.P. (MD) No.10975 of 2018
27.11.2018