

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR C.M.P. No.56 of 2019
and
C.M.P.No.2069 of 2019

Santha @ Vairam

... Petitioner

Vs.

Kichenamourthy

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the MOP.No.152/2018 pending on the file of the learned Family Court Judge at Puducherry and transfer the same to that of the learned Family Court at Karaikal.

For Petitioner : Mr.B.Balavijayan
For Respondent : Mr.R.Thiagarajan

O R D E R

The Transfer Civil Miscellaneous Petition has been filed seeking transfer of M.O.P.No.152/2018 pending on the file of the Family Court at Puducherry to the file of Family Court at Karaikal.

2. Respondent and petitioner are husband and wife. The respondent/husband filed a petition for divorce in M.O.P.No.152 of 2018 before the Family Court, Puducherry. Stating that there is much physical hardship to travel from Karaikal to Puducherry for every hearing to appear before the Family Court, Puducherry, the petitioner/wife seeks transfer of petition from Family Court, Puducherry to Family Court, Karaikal.

3. On the other hand, the learned counsel appearing for the respondent/husband would contend that the petitioner's family is politically influential and therefore, it is not safe for the husband to attend the case at Karaikal and hence, the matter may be transferred to a neutral venue.

4. Considering the facts and circumstances and also considering the submission of both sides, the parties can be

directed to contest the case in a neutral venue. Accordingly, the case can be transferred to Family Court, Nagapattinam. It will be convenient for the respondent/husband to travel by train to Nagapattinam and it will not affect his health at the age of 62. Likewise, it is also convenient for the wife to travel from Karaikal to Nagapattinam, which is nearer to her place. Both being Hindus and governed by the Hindu Marriage Act, 1955, the transfer to Nagapattinam will not prejudice them.

5. Therefore, H.M.O.P.No.152 of 2018 filed by the respondent/husband before the Family Court, Puducherry is withdrawn and transferred to the file of Family Court, Nagapattinam.

6. It is open to the respondent/husband to file an appropriate petition for dispensing with his appearance before the Family Court, Nagapattinam and if any such petition is filed, the Family Court, Nagapattinam is directed to consider the same.

7. The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

bri

To

1. The Judge,
Family Court, Puducherry.
2. The Judge,
Family Court, Nagapattinam.

+1cc to Mr.R.Thiagarajan, Advocate, S.R.No. 24445

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AD(CO)
GN(06/05/2019)