

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR.CMP.NO.109 of 2019

and

C.M.P.NO.3791 OF 2019

M.Pavithra Anandhi

... Petitioner

Vs.

P.V.Karthikeyan

.... Respondent

PRAYER: Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw F.C.O.P.No.3885 of 2018 from the file of the III-Additional Family Court, Chennai and transfer the same to the file of Sub Court at Tenkasi.

For petitioner : Mr.S.Venkatesh

For Respondent : M.Amar D.Pandiya

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw F.C.O.P.No.3885 of 2018 from the file of the III-Additional Family Court, Chennai and transfer the same to the file of Sub Court, Tenkasi.

2. The petitioner is the wife. The petitioner is a resident of Kuthukalvalasai Village in Tenkasi taluk. The respondent / husband filed a petition for divorce, before the III Additional Family Court, Chennai. The petitioner is before this Court seeking transfer of divorce petition filed by the respondent / husband from Chennai to Tenkasi, on the ground of distance.

3. According to the petitioner / wife, the distance between Chennai and Tenkasi is 900 Kms and hence, she cannot travel such a long distance alone for every hearing of the case before the Family Court, Chennai. On the other hand, it will cause severe physical and financial hardship to her.

4. The respondent / husband submitted that it will be convenient, if the matter is transferred to the Court at Tirunelveli. Either way, travelling from Chennai to Tirunelveli and Chennai to Tenkasi will not make much difference, as the places are well connected and there are transport facilities available by road as well as by train. Therefore, the objection of the husband is not sustainable.

5. Considering the long distance and financial hardship caused to the petitioner / wife, this Court is inclined to transfer the petition filed by the husband to Sub Court, Tenkasi.

6. Accordingly, F.C.O.P.No.3885 of 2018 pending on the file of the III Additional Family Court, Chennai is withdrawn and transferred to Sub Court, Tenkasi. The learned Sub Judge, Tenkasi is directed to renumber the petition, issue notice to the parties and dispose of the same as expeditiously as possible.

7. The transfer civil miscellaneous petition is allowed. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Judge,
The III Additional Family Court, Chennai.
2. The Sub-ordinate Judge, Tenkasi.

+1 cc to M.Amar D.Pandiya, Advocate, S.R.No.30357

+1 cc to Mr.S.Venkatesh, Advocate, S.R.No.30345

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KK(CO)
SSM(04/06/2019)