

Hence, she filed the petition as against the respondent and his parents under the provision of Protection of Women from Domestic Violence Act, 2005 in Cr. M.P. No.953 of 2019, which is pending before the Additional Mahila (Judicial Magistrate) Court at Madurai.

3. The petitioner further submitted that the respondent is now working as a Civil Engineer in IIT at Kolkatta, and he has filed the vexatious petition before the Principal District Judge, Nagapattinam seeking the remedy of Restitution of Conjugal right and the same has been numbered as IDOP No.23 of 2019. The petitioner submitted that she is residing at Madurai along with her minor child, who is studying in UKG, with her parents and at present, she is working as a teacher in a private school at Madurai for a monthly salary of Rs.12,000/-.

4. She further submitted that the distance between Madurai and Nagapattinam is about 280 KM and she has to take three bus to reach Nagapattinam and it would take approximately 6 hours. Hence, she finds it difficult to travel along with her baby in the wee hours without the support of any male person. Hence, she seeks the transfer of IDOP No.23 of 2019 filed by the respondent/husband before the Principal District Judge, Nagapattinam, to Family Court, Madurai.

5. Notice was directed to be issued to the respondent returnable by 23.09.2019. The court notice was served on the respondent on 24.09.2019 and the private notice tracking sheet has been filed by the petitioner. The registry was directed to verify whether any vakalat has been filed on behalf of the respondent/husband and the same was verified and it was found that the respondent has not chosen to engage any advocate nor he appeared before the court in person.

6. In view of the above facts, it is seen that the respondent is not interested in contesting the case, despite having knowledge about the same. Hence, this court is inclined to transfer IDOP No.23 of 2019 pending on the file of the District Court, Nagapattinam, which is for the Restitution of Conjugal right, to the Family Court, Madurai, which will be convenient for the petitioner/ wife to attend the proceedings. Accordingly, IDOP No.23 of 2019 pending on the file of the District Court, Nagapattinam, is ordered to be withdrawn and transferred to the Family Court, Madurai. Accordingly, the District Court, Nagapattinam, is directed to transfer the IDOP No.23 of 2019 to the Family Court, Madurai, within six weeks, from the date of receipt of a copy of this order.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bga
To

1.The Principal District Judge,
Principal District Court, Nagapattinam.

2.The Judge,
Family Court, Madurai.

+lcc to Mr.C.Prabakaran, Advocate SR.87559

Tr. CMP No.660 of 2019

EV(CO)
CB(26/11/2019)