

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.816 of 2018

and

C.M.P.No.20084 of 2018

R.Pushpagandhi

... Petitioner

Vs.

D.Manikanda Jayararnalingam

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in H.M.O.P.No.334 of 2012 on the file of the Subordinate Court at Thiruchirapalli and transfer the same to the file of any of the Family Court, Chennai.

For Petitioner : Ms.Thenmozhi Siva Perumal

For Respondent : Mr.A.E.Ravichandiran

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of H.M.O.P.No.334 of 2012 on the file of Subordinate Court at Thiruchirapalli to the file of Family Court, Chennai.

2. Respondent and Petitioner are husband and wife. The respondent/husband filed a petition for divorce in the year 2012. Till 2017 she was supported by her father and she would attend the Court at Trichy, but since the father died she is not in a position to travel alone to Trichy from Chennai. Apart from that there are three children and she has to carry the children for every hearing. She finds it very difficult to travel for every hearing.

3. Controverting the statement, the learned counsel appearing for the respondent/husband would contend that the case is in advanced stage of trial, where the husband was cross examined by the wife and chief examination of the respondent is also over. It is only left for cross examination of the respondent and arguments. He would also undertake to cover the expenses of the petitioner/wife towards travel and stay.

4. Considering the submissions made by both sides, this Court is of the opinion that since the case is of 7 years old and in advance stage of trial, it need not be transferred at this stage. However, considering the hardship caused to the petitioner/wife, this Court directs the respondent/husband to bear the expenses to travel of the petitioner/wife and accommodation at Trichy during the period of trial.

5. Approximately there will be three hearings, the respondent/husband has agreed to pay a sum of Rs.2,500/- for every hearing. Therefore, the respondent/husband is also directed to pay a sum of Rs.7,500/- to the petitioner/wife as undertook by him within a period of two weeks from the date of receipt of a copy of this order. Further direction is issued to the Family Court, Trichy to complete the trial as expeditiously as possible and conclude the proceedings preferably within a period of three months from the date of receipt of copy of this order.

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

Sd/--

Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

bri

To

1. The Subordinate Court,
Thiruchirapalli.

2. The Family Court,
Trichy.

+1cc to Mr.A.E.Ravichandiran , Advocate SR.No.

+1cc to Ms.Thenmozhi Siva Perumal , Advocate SR.No. 15965

TR C.M.P. No.816 of 2018

and

C.M.P.No.20084 of 2018

A.SK(26/02/2019)