



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2019

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

**Tr.C.M.P(MD)No.167 of 2019**

**and C.M.P. (MD) No.3772 of 2019**

Devamalar ... Petitioner/Respondent

Vs.

Karthick Krishnan @ Albert Karthick Krishnan  
... Respondent/Petitioner

**PRAYER:** Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw I.D.O.P.No. 6 of 2019 on the file of the Principal District Court, Theni and transfer the same to the file of the Principal District Court, Erode District.

For Petitioner : Mr.P.Ranjithraj  
For Respondent : No appearance

### **J U D G M E N T**

This Transfer Civil Miscellaneous Petition is filed at the behest of the wife seeking transfer of I.D.O.P.No. 6 of 2019 on the file of the Principal District Court, Theni to the file of the Principal District Court, Erode, where the petitioner is residing.

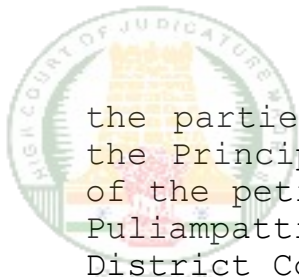
2. Heard the learned counsel appearing on behalf of the petitioner and there is no representation on behalf of the respondent.

3. The Transfer Petition has been filed on the following grounds:

i) The Principal District Court, Theni is not conferred with jurisdiction to hear the petition since neither the marriage was solemnized within the jurisdiction of the said court nor the parties were last residing within the jurisdiction of the said court.

ii) The husband has not been maintaining the wife and she has to travel from Theni to Erode to attend the hearing in H.M.O.P.No. 6 of 2019.

4. The learned counsel for the petitioner would further contend that the statement made by the husband in I.D.O.P.No. 6 of 2019 that



the parties were last residing together within the jurisdiction of the Principal District Court, Theni, is false, since it is the case of the petitioner that they had resided last together only at Punjai Puliampatti, which comes within the jurisdiction of the Principal District Court, Erode.

5. Considering the above factors and considering the fact that the husband is not maintaining the wife, interest of justice would be sub-served if I.D.O.P.No. 6 of 2019 is transferred to the file of the Principal District Judge, Erode.

6. Accordingly, this Court is inclined to issue the following direction:

i) The learned Principal District Judge, Theni is directed to transmit the entire records in I.D.O.P.No. 6 of 2019 to the file of the Principal District Judge, Erode, within a period of two weeks from the date of receipt of copy of this order.

ii) the learned Principal District Judge, Erode, after obtaining the records on transfer, is directed to try I.D.O.P.No. 6 of 2019 and dispose of the same as expeditiously as possible in accordance with law.

7. In the result, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ( )

// True Copy //

Sub Assistant Registrar(CS)

CM

To,

1.The Principal District Judge, Theni.

2.The Principal District Judge, Erode.

+1 CC to Mr.R.J.KARTHICK, Advocate ( SR-91810[F] dated 15/10/2019 )

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