



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2019

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

T.R.C.M.P. (MD) No.63 of 2019
and
C.M.P. (MD) No.1573 of 2019

P.J.Radha :Petitioner

vs.

P.S.K.Ruban :Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure, to withdraw H.M.O.P.No.186 of 2019 from the file of the Family Court No.III, at Chennai and transfer the same to the file of the Subordinate Court, at Virudhunagar.

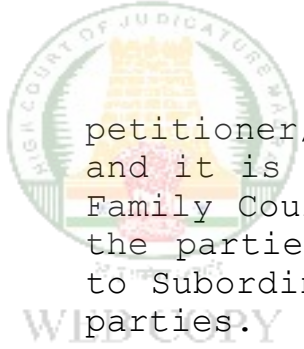
For Petitioner : Mr.N.Dilip Kumar
For Respondent : Mr.S.Ramasamy

ORDER

This Petition is filed to withdraw H.M.O.P.No.186 of 2019 from the file of the Family Court No.III, at Chennai and transfer the same to the file of the Subordinate Court, at Virudhunagar.

2.The case of the petitioner is that the marriage between the petitioner and the respondent took place on 23.11.2012 at Virudhunagar District and out of wedlock, the petitioner has given birth to a male child. It is the further case of the petitioner that her husband, namely, the respondent, had driven her out from the matrimonial home, even though they were living together in Chennai for some time. The petitioner has given a criminal complaint and the respondent has also given a statement before the Police. These things reveal that the wife has not gone voluntarily on her own from the matrimonial home.

3.The husband has filed the petition for divorce in H.M.O.P.No.186 of 2019, on the file of the Family Court No.III, Chennai on the ground of cruelty. The contention of the wife that she was driven out from the matrimonial home for no fault on her, appears to be more probable. In such circumstances, the convenience of the wife can be given preference. The



petitioner/wife is living with her minor son, who is in tender age and it is very difficult for the wife to travel to Chennai as the Family Court may take up the matter on day today basis and expect the parties to appear before Court. If the matter is transferred to Subordinate Court, Virudhunagar, it will be convenient for both parties.

4.As a result, this petition is allowed and the proceedings in H.M.O.P.No.186 of 2019 is withdrawn and the same is transferred to the file of the Subordinate Court, Virudhunagar. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Judge,
Family Court No.III, at Chennai.
2. The Subordinate Judge,
Virudhunagar.

+ 1 CC TO Mr.S.Ramasamy, ADVOCATE IN SR No.69916
+ 1 CC TO Mr.N.Dilpkumar, ADVOCATE IN SR No.69862

T.R.C.M.P.(MD)No.63 of 2019

19.06.2019

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