



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2019

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.103 of 2019
and
CMP (MD) No.2312 of 2019

S.Thamaraiselvi

... Petitioner

Vs.

S.P.Prakash

... Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer the F.C.O.P No.192 of 2018 on the file of Family Court, Chengalpattu to Sub Court, Usilampatti.

For Petitioner : Mr.D.Sadiq Raja

For Respondent : No appearance

ORDER

Though the notice has been served on the respondent and his name has been printed in the cause list, none appeared on behalf of the respondent. Therefore, this Court is proceeded to hear the matter in his absence.

2.This Transfer Civil Miscellaneous petition has been filed by the wife, who is the respondent in the petition filed by the respondent before the Family Court, Chengalpattu.

3.The petitioner has filed the transfer petition on the ground that she is living with her aged parents, who have taken care of the needs and in addition to that, she has to spend on her travel to Chengalpattu for attending each and every hearing of the petition pending before the Family Court, Chengalpattu. The respondent has not been maintaining the petitioner and therefore she is totally depending on her parents. For these reasons, she sought for transfer of the petition which is pending before the Family Court, Chengalpattu.

4.Heard the learned counsel appearing for the petitioner and perused the papers.



5.It is seen that the respondent has not been maintaining the wife and further for every hearing at the Family Court, Chengalpattu the presence of the parties are necessary, which means that the petitioner should undertake to travel to Chengalpattu for every hearing and considering the distance, it would naturally incurred additional cost.

6.In these circumstances, this Court is of the opinion that the interest of justice would be met, if F.C.O.P.No.192 of 2018 pending on the file of the Family Court, Chengalpattu is transferred to the Sub Court, Usilampatti. There is no necessity for the husband to appear on every hearing, since this matter is not before the Family Court. Therefore, the interest of the respondent/ husband also would not be prejudiced.

7.For the above reason, the Transfer Civil Miscellaneous Petition is allowed and the petition in F.C.O.P.No.192 of 2018 pending on the file of the Family Court, Chengalpattu is ordered to be withdrawn and transferred to the file of Sub Court, Usilampatti. The learned Judge, Family Court, Chengalpattu is directed to transmit the entire records in F.C.O.P.No.192 of 2018 to the Sub Court, Usilampatti and the learned Sub Judge, Usilampatti, is directed to the dispose of the same on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

cp

To

1.The Judge, Family Court, Chengalpattu.

2.The Subordinate Judge, Usilampatti.

+1 CC to M/s.D.SADIQRAJA, Advocate (SR-85993[F] dated 09/09/2019)

Tr.C.M.P. (MD)No.103 of 2019

and

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