



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T. ASHA

TR.C.M.P.(MD)No.149 of 2019

and C.M.P(MD)No.3183 of 2019

K.Yaalenii

... Petitioner/Respondent

Vs.

R.Nithiyaprakash

... Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw the F.C.O.P.No.393 of 2018 pending on the file of the Family Court, Erode and transfer the same to the file of the Principal Subordinate Court at Tiruchirappalli District.

For Petitioner : Mr.K.benjamin

For Respondent : No appearance

J U D G M E N T

The above Transfer Civil Miscellaneous Petition is filed by the petitioner/wife to transfer F.C.O.P.No.393 of 2018 from the file of the Family Court, Erode to the file of the Principal Subordinate Court at Tiruchirappalli District.

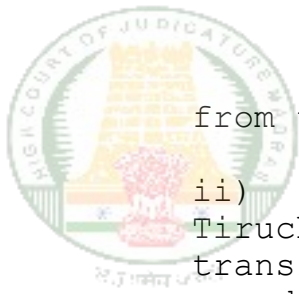
2. Heard the learned counsel for the petitioner. Though the name of the respondent is printed in the cause list, he has not chosen either to appear in person or through counsel.

3.The petitioner is residing at Trichy and further the respondent has not given any maintenance to her. That apart, the petitioner has filed proceedings under the Domestic Violence Act before the Additional Mahila Court, Trichy, in CrI.M.P.No.8159 of 2018.

4. Considering the fact that the petitioner has not been maintaining the wife, who is totally depending on her widowed mother, this Court is of the view that transfer of the case from the file of the Family Court, Erode to the Subordinate Court, Trichy, would sub-serve the interest of justice.

5. In the interest of justice, I am inclined to issue following directions:

- i) The learned Judge, Family Court, Erode, is directed to transmit the entire records in F.C.O.P.No.393 of 2018 to the file of the Principal Subordinate Court at Tiruchirappalli District within a period of two weeks



from the date of receipt of copy of this order.

ii) the learned Principal Subordinate Judge, Tiruchirappalli District, after obtaining the records on transfer, is directed to dispose of the same as expeditiously as possible in accordance with law.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judge,
Family Court, Erode

2.The Principal Subordinate Judge, Tiruchirappalli District

+1 CC to Mr.D.BOOPAL, Advocate (SR-87479[F] dated 18/09/2019)

TR.C.M.P. (MD) No.149 of 2019
and C.M.P (MD) No.3183 of 2019
18.09.2019

CM

MK (30.09.2019) 2P 4C