



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.225 of 2019

and

C.M.P (MD) No.5276 of 2019

WEB COPY

A.D.Diana

... Petitioner

Vs.

D.Rajkumar Gavaskar

... Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in I.D.O.P.No.1942 of 2019 on the file of the Hon'ble 1st Additional Family Court, Chennai and transfer the same to learned Principal Sub Court, Madurai.

For Petitioner : Ms.Fula
for Mr.J.Selvin Rajesh

For Respondent : No appearance

ORDER

The above Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of I.D.O.P.No.1942 of 2019 pending on the file of the First Additional Family Court, Chennai, to the file of the Principal Sub Court, Madurai.

2.Though the name of the respondent is printed in the cause list after notice was served on him, he has neither appeared in person nor through a counsel. Therefore, this Court proceeds to hear the transfer civil miscellaneous petition in his absence.

3.The reasons which have been put forth in the affidavit and submitted by the learned counsel, are that the respondent herein apparently is a fraudster, who has cheated the petitioner's money and put her to a lot of mental agony and torture and owing to this, the petitioner had left the matrimonial home and came to her parents along with her two children. The petitioner has also got an employment in Madurai and she has to take care of her children and herself. Considering the fact that the respondent was not a responsible husband and father and as he has put the petitioner to great deal of agony by his activities, she had issued a notice seeking a consent of the respondent to mutually separate. Immediately, the respondent has filed I.D.O.P.No.1942 of 2019 on the file of the First Additional Family Court, Chennai.



4.The petitioner would submit that being a Family Court she has to appear before the Court for every hearing and considering the fact that she has very recently joined a job and has to take care of two minor children, the frequent travel to Chennai would not only cause inconvenience, but would also cause a strain on her financially, particularly when the husband was not taking any interest to pay the maintenance.

5.There is a considerable force in the contention put forward by the petitioner. Therefore, this Court is inclined to allow the transfer civil miscellaneous petition and the petition in I.D.O.P.No.1942 of 2019 is ordered to be withdrawn and transferred from the file of the First Additional Family Court, Chennai, to the file of Principal Sub Court, Madurai. The learned Judge, First Additional Family Court, Chennai, is directed to transmit the entire records in I.D.O.P.No.1942 of 2019 to the Principal Sub Court, Madurai. The learned Principal Subordinate Judge, Madurai, is directed to dispose of I.D.O.P.No.1942 of 2019 on merits and in accordance with law.

6.With the above directions, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

CP
To

1.The Judge, First Additional Family Court, Chennai.

2.The Principal Subordinate Judge, Madurai.

+1 CC to MR.J. SELVIN RAJESH, Advocate (SR-102816[F] dated 29/11/2019)

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