



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T. ASHA

TR.C.M.P. (MD)No.262 of 2019

and

C.M.P(MD)No.5974 of 2019

J.Infant Vinitha ... Petitioner/Respondent
Vs.
A.X.Naveen Kumar ...Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw I.D.O.P.No.107 of 2019 pending before Family Court, Cuddalore, Cuddalore District and transfer the same to Family Court, Trunelveli or any competent Curt.

For Petitioner : Mr.P.T.Thiraviam
For Respondent : Mr.K.K.Senthil

J U D G M E N T

The wife is the petitioner in this Transfer Civil Miscellaneous Petition and she seeks to transfer the case I.D.O.P.No.107 of 2019 from the file of the Family Court, Cuddalore, Cuddalore District to the file of the Family Court, Trunelveli, or any other competent court.

2.The marriage between the petitioner and the respondent took place on 08.09.2017 and according to the petitioner, her parents had given her huge amount of money as well as jewelry and out of the wedlock, a baby girl namely, Alan Navya was born on 30.01.2019. The petitioner would submit that right from the marriage, the respondent/ husband treated her with cruelty, which forced her ultimately to leave the matrimonial home and to stay at her parental home. She would submit that she is residing with her parents and is totally depending upon them for both her emotional and financial support and more particularly she has to take care of her 6 months old daughter. The husband has not been maintaining them though he has filed a petition for restitution of conjugal rights. The petitioner would submit that it would be very difficult for her to travel all the way to Cuddalore from Tirunelveli for attending each and every hearing as she has to carry her 6 months old baby girl and also take the assistance of some person to accompany her for which she would incur additional expenses. Therefore, she seeks transfer I.D.O.P.No.107 of 2019.



3. Although the learned counsel for the respondent would oppose the request for transfer, considering the fact that the respondent/ husband has till date not taken steps to support the wife and daughter and taking into account of the fact that the presence of the parties are required for every hearing before the Family Court, this Court is of the view that interest of justice would be sub-served, if I.D.O.P.No.107 of 2019 pending on the file of the Family Court, Cuddalore is transferred to the file of the Family Court, Tirunelveli.

4. Considering all these circumstances, this Court is inclined to issue the following direction:

- i) The learned Judge, Family Court, Cuddalore, Cuddalore District is directed to transmit the entire records in I.D.O.P.No. 107 of 2019 to the file of the Family Court, Tirunelveli, within a period of two weeks from the date of receipt of copy of this order.
- ii) the learned Judge, Family Court, Tirunelveli, after obtaining the records on transfer, is directed to dispose of I.D.O.P. No.107 of 2019 as expeditiously as possible in accordance with law.

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

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To,

- 1.The Family Court, Cuddalore, Cuddalore District.
- 2.The Family Court, Tirunelveli.

+1 CC to Mr.P.T. THIRAVIAM, Advocate (SR-90421[F] dated 30/09/2019)

+1 CC to Mr.K.K SENTHIL, Advocate (SR-90674[F] dated 01/10/2019)

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and C.M.P(MD)No.5974 of 2019
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CM

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