



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.263 of 2019

and

C.M.P(MD) No.5992 of 2019

WEB COPY

Sathiyauthira Devi

... Petitioner

Vs.

S.Karthigairaj

... Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the case H.M.O.P.No.95 of 2019 on the file of the Family Court, Sivagangai District, to transfer the same to the file of Sub Court, Ramanathapuram, Ramanathapuram District, for adjudication.

For Petitioner : Mr.D.Balamurugapandi

For Respondent : Mr.N.Sathish Babu

ORDER

The above Transfer Civil Miscellaneous Petition has been filed at the behest of the wife who is the respondent in H.M.O.P.No.95 of 2019 filed by the husband for divorce before the Family Court, Sivagangai District.

2.The petitioner in her affidavit filed in support of the transfer civil miscellaneous petition has contented that she had been subjected to ill-treatment at the hands of her in-laws and that they asked her to go back parental home and stay with her minor child. It is also her case that when her child was affected with severe kidney related disease, the respondent did not care to meet out the expenses of the surgery. Her parents have helped her tide over the crisis. The husband is working aboard and even after returning to India, he has not taken any steps whatsoever to visit her or her child. She was surprised to receive the notice in the HMOP from the Family Court, Sivagangai.

3.The petitioner would further contend that she is totally depending on her parents for her day-to-day living and the husband has not been maintaining her and her child and that apart she is now living at Devipattinam. Therefore, the case may be transferred to Sub Court, Ramanathapuram because the Family Court, Sivagangai, had insisted the appearance of the parties for every hearing and she does not have necessary wherewithal to go for every hearing and that apart, she has to take care of her minor child.



4.The parties had appeared in person in last hearing so as to arrive at a settlement. However the respondent is not willing to join with his wife.

5.Considering the fact that the respondent has not been taking care of the wife and also the place of residence of the wife does confer the jurisdiction on the Sub Court, Ramanathapuram, interest of justice would sub-served, if the petition in H.M.O.P(MD) No.95 of 2019 is ordered to be withdrawn and transferred from the file of the Family Court, Sivagangai, to the file of Sub Court, Ramanathapuram. The learned Judge, Family Court, Sivagangai, is directed to transmit the entire records in H.M.O.P(MD) No.95 of 2019 to the Sub Court, Ramanathapuram, Ramanathapuram District and the learned Subordinate Judge, Ramanathapuram, is directed to dispose of the same on merits and in accordance with law.

6.This Transfer Civil Miscellaneous Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judge,Family Court,
Sivagangai District.
- 2.The Subordinate Judge,
Ramanathapuram, Ramanathapuram District.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate SR-87414.

+1 CC to M/s.N.SATHISH BABU, Advocate SR-87735.

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