



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.41 of 2019
and C.M.P(MD)No.1218 of 2019

Priya

... Petitioner/Respondent

Vs.

Hariharasuthan

...Respondent/Petitioner

PRAYER:- Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw the case bearing H.M.O.P.No.249 of 2018 on the file of the Family Court at Sivagangai, Sivagangai District and subsequently transfer the same to the Family Court, Tirunelveli, Tirunelveli District forthwith.

For Petitioner	: Mr.S.Palani Velayutham
For Respondent	: No appearance

J U D G M E N T

The above Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.249 of 2018 from the file of the learned Family Court, Sivagangai, to the file of the learned Family Court, Tirunelveli, Tirunelveli District.

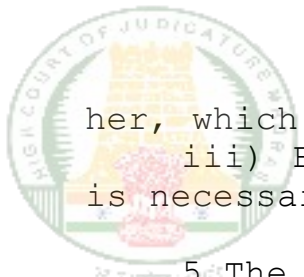
2. Heard the learned counsel for the petitioner. Though the name of the respondent is printed in the cause list, he has not chosen either to appear in person or through counsel.

3. It is seen that H.M.O.P.No.249 of 2018 is filed at the behest of the husband, who is the respondent herein. The petitioner/wife prays that the same may be tried by the Family Court at Tirunelveli.

4. The reasons for seeking transfer are as follows:

i) The petitioner/wife is totally depending upon her parents and the respondent/husband is not maintaining her.

ii) The petitioner has a two years old child and it is very difficult for her to travel to Sivagangai with the child and in addition to that, some other family member would have to accompany



her, which would incur additional cost.

iii) Before the Family Court, the presence of the petitioner is necessary for every hearing.

5. The reasons projected by the petitioner appears to be valid and if the matter continues in the Family Court, Sivagangai, the petitioner would suffer great hardship.

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

i) The learned Judge, Family Court, Sivagangai, is directed to transmit the entire records in H.M.O.P.No.249 of 2018 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 the same as expeditiously as possible in accordance with law.

7. 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)

CM

To,

1.The Judge, Family Court, Sivagangai.

2.The Judge, Family Court, Tirunelveli, Tirunelveli District.

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-88204[F] dated 20/09/2019)

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