



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2019

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.85 of 2019

and

C.M.P(MD) No.2037 of 2019

WEB COPY

Vallikannu

... Petitioner

Vs.

Sivakumar

... Respondent

PRAYER:- Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in O.P. No.4263 of 2018 on the file of VI Family Court, Chennai and transfer the same to the Sub Court, Devakottai, Sivagangai District.

For Petitioner : Mr.C.Jeyaprakash
For Respondent : No appearance

ORDER

The Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of the petition filed by the husband for divorce in O.P.No.4263 of 2018 pending on the file of the VI Family Court, Chennai and transfer the same to the Sub Court, Devakottai, Sivagangai District, to be tried along with HMOP No.219 of 2018.

2.Though the notice has been served on the respondent, none appeared on behalf of the respondent. Therefore, this Court proceeded to hear the matter in his absence.

3.The reason for seeking transfer is that the petitioner who has been sent out from the matrimonial home along with her child has not been maintained by her husband. The petitioner's parents were taking care of her and her child and the petitioner is totally depending on her parents. It is also seen that the husband had taken away the child forcibly from the petitioner herein. The petitioner further submitted that she has to travel for every hearing, since the matter is pending before the Family Court, Chennai. This would cause burden to the petitioner, particularly when she has to travel and stay at Chennai. The divorce petition which has been filed by the petitioner is pending before the Sub Court, Devakottai. If the application in O.P.No.4263 of 2018 is transferred to the Sub Court, Devakottai, the presence of the respondent is not required for every hearing and therefore, no prejudice would be caused. Hence, the



petitioner prays to allow this transfer Civil Miscellaneous Petition.

4.The reasons put forward by the petitioner appears to be a valid one and this Court is of the view that O.P.No.4263 of 2018 pending on the file of the VI Family Court, Chennai should be transferred to the Sub Court Devakottai and tried along with H.M.O.P.No.219 of 2018. The learned Judge, VI Family Court, Chennai, is directed to transmit the entire records in O.P.No.4263 of 2018 to the Sub Court, Devakottai. The learned Subordinate Judge, Devakottai is directed to tag O.P(MD) No.4263 of 2018 along with H.M.O.P(MD) No.219 of 2018 which is pending on his file, conduct joint trial and dispose of the same on merits and in accordance with law.

5.Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

msa

To

1.The Judge, VI Family Court
Chennai

2.The Subordinate Judge,
Devakottai.

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TR(06.11.2019) 2P 3C