



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

Tr.C.M.P.(MD).No.269 of 2019 and
C.M.P.(MD).No.6264 of 2019

Nandhini

.. Petitioner/Petitioner

Vs.

M.Pandiyarajan

.. Respondent/Appellant

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the petition in H.M.O.P.No.221 of 2018 on the file of the learned Subordinate Judge, Uthamapalayam Court and transfer the same to the learned Family Court, Madurai and allow the petition.

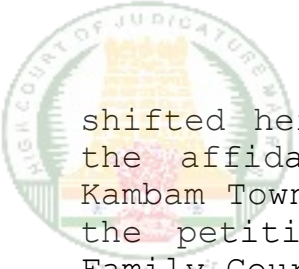
For Petitioner : Mr.S.P.Naveen Kumar

ORDER

This transfer civil miscellaneous petition is filed by the wife to transfer the proceedings filed by her in H.M.O.P.No.221 of 2019 on the file of the Sub Court, Uthamapalayam to Family Court, Madurai.

2.It is stated that the marriage between the petitioner and the respondent was solemnized on 15.11.2007 at Kambam as per Hindu Rites and customs. The petitioner filed a petition for divorce in H.M.O.P.No.221 of 2019 before the Sub Court, Uthamapalayam. Even in the transfer civil miscellaneous petition, the petitioner has shown her address at Uthampuram Village in Kambam Town. However, it is stated in the affidavit filed in support of the petition that she has come to Madurai. Stating that the distance between Madurai to Uthamapalayam is more than 212 Kilometers, the present transfer miscellaneous petition is filed on the ground of convenience of the petitioner/wife.

3.The petition is presented by the petitioner before the Sub Court, Uthamapalayam. The petitioner has made several allegations against the respondent and complaint filed by the petitioner is also pending investigation. After the complaint, the petition for divorce was presented. Even in June 2019, a second criminal complaint has been lodged by the petitioner showing her residence at Uthamapalayam. It is not seen from the affidavit filed in support of the petition that how and in what manner the petitioner has



shifted her residence. Since petitioner has given her address in the affidavit by showing her residence at Uthamapuram Village, Kambam Town, Uthamapalayam Taluk, this Court is unable to agree with the petitioner who seeks transfer of matrimonial proceedings to Family Court, Madurai which has no jurisdiction to decide.

4. Hence, this transfer civil miscellaneous petition is dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To
The Sub Judge, Uthamapalayam.

+1 cc Mr. S.P. NAVEEN KUMAR , Advocate, SR.No. 76753

Tr.C.M.P. (MD).No.269 of 2019
19.07.2019

tm
KK/SAR/30.07.2019/2P-3C