



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2019

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

TR.C.M.P. (MD) No.280 of 2019

and

C.M.P. (MD) No.6534 of 2019

Jamuna Rani

... Petitioner/Respondent

vs.

M.Pandiaraj

... Respondent/ Petitioner

Prayer:- This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP.No.75 of 2019 pending on the file of the Family Court, Srivilliputhur, Virudhunagar District and transfer to the Family Court, Nagercoil, Kanyakumari District.

For Petitioner : Mr.M.Maria Vinola
For Respondent : Mr.Rajamohan

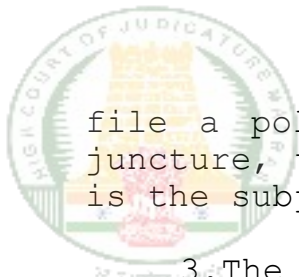
ORDER

The above Transfer Civil Miscellaneous Petition has been filed at the behest of the petitioner herein/wife, seeking for withdrawal of the HMOP.No.75 of 2019 pending on the file of the Family Court, Srivilliputhur, Virudhunagar District and to transfer the same to the Family Court, Nagercoil, Kanyakumari District.

2.The facts in brief are as follows:

2.1.The marriage between the petitioner/wife and the respondent/husband was solemnized on 03.09.2008 and out of their wedlock, they are blessed with a baby girl and baby boy. According to the petitioner/wife, due to ill-treatment, which is meted out to her by the respondent/husband and his family members, she was forced to go away to her mother's place. Thereafter, the respondent along with his sisters had come to Nagarcoil and requested the petitioner to send the children to Vizhuppanoor so that their studies would not be affected and he had also promised the petitioner to take care of her.

2.2.Further, though the petitioner had handed over the children with her husband/respondent, the respondent did not come back to take the petitioner as promised and this compelled the petitioner to



file a police complaint for getting back her children. At this juncture, the respondent/husband has filed HMOP.No.75 of 2019, which is the subject matter of the present petition.

3.The learned counsel for the petitioner would submit that the petitioner/wife is totally under the care and custody of her aged mother and for every hearing, she has to travel from Nagercoil to Srivilliputhur. The respondent/husband is also not giving any amount to her as maintenance. Hence, the learned counsel sought for transfer the present petition.

4.The learned counsel appearing for the respondent/husband has reiterated the contentions placed in the petition for divorce and would submit that the respondent is doing business. Therefore, if the matter is referred to the Family Court, Nagercoil, it would cause lot of hardship to him. Therefore, the learned counsel sought for dismissing the present petition.

5.Heard the learned counsel on either side.

6.Admittedly, the respondent/husband has not given any amount as maintenance to the petitioner/wife till date and therefore, the petitioner is totally depending on her mother. Further, for every hearing since the matter is before the Family Court below, the petitioner has to appear in person. The petitioner being a lady requires the assistance of another person to travel with and this is going to be an additional financial burden to the petitioner.

7.Considering the above factors, this Transfer Civil Miscellaneous Petition is allowed and the petition in H.M.O.P.No.75 of 2019 pending on the file of the Family Court, Srivilliputhur, Virudhunagar District, is ordered to be withdrawn and transferred to the file of Family Court, Nagercoil, Kanyakumari District. The learned Judge, Family Court, Srivilliputhur, Virudhunagar District, is directed to transmit the entire records of H.M.O.P.No.75 of 2019 to the Family Court, Nagercoil, Kanyakumari District as expeditiously as possible and the learned Judge, Family Court, Nagercoil, Kanyakumari District, is directed to dispose of the H.M.O.P.No.75 of 2019 as expeditiously as possible.

No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Judge,
Family Court,
Srivilliputhur,
Virudhunagar District

2.The Judge,
Family Court,
Nagercoil,
Kanyakumari District.

+1 CC to Mr.R. RAJAMOHAN, Advocate (SR-89327[F] dated 25/09/2019)

+1 CC to M/s.A.ELIS CHITRADEVI, Advocate (SR-89489[F] dated
26/09/2019)

TR.C.M.P. (MD) No.280 of 2019

25.09.2019

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