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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.10.2019**

CORAM :

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

TR.C.M.P.(MD) No.306 of 2019
and
C.M.P.(MD) No.7062 of 2019

Jesintha Stella ... Petitioner/Respondent

vs.

Gifton Samuel ... Respondent/Petitioner

Prayer:-This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the IDOP.No.661 of 2019 on the file of the Family Court, Madurai and to transfer the same to the file of Family Court, Tirunelveli.

For Petitioner : Mr.D.Venkatesh

For Respondent : M/S.A.S.Rajeswari

ORDER

The above Transfer Civil Miscellaneous Petition is filed by the petitioner/wife seeking to transfer the petition in IDOP.No.661 of 2019 filed by the respondent/husband for restitution of conjugal rights on the file of the Family Court, Madurai to the file of Family Court, Tirunelveli.

2.The learned counsel appearing for the petitioner would submit that it is she who is single handedly taking care of her three years old child. Since the respondent/husband has not given any amount as maintenance to them till date, she is totally depending on her parents and she would be unable to defend the case at Madurai, as it is very difficult to travel from Tirunelveli to Madurai by herself along with her child. Her presence at every hearing is imperative since the proceeding is now pending before the Family Court, Madurai, where the presence of the parties is a must.

3.Considering the above fact and taking into account of the fact that the residence of the petitioner/wife would confer the jurisdiction on the Court at Tirunelveli to try the petition for

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restitution of conjugal rights, this Transfer Civil Miscellaneous Petition is allowed and the petition in IDOP.No.661 of 2019 pending on the file of the Family Court, Madurai, is ordered to be withdrawn and transferred to the file of Family Court, Tirunelveli. The learned Judge, Family Court, Madurai, is directed to transmit the entire records of IDOP.No.661 of 2019 to the Family Court, Tirunelveli, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judge,
   Family Court,
   Madurai.

2. The Judge,
   Family Court,
   Tirunelveli.

+1 CC to M/s.D.VENKATESH, Advocate SR-93761.

TR.C.M.P.(MD) No.306 of 2019
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