



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

TR.C.M.P. (MD) No.414 of 2019

and

C.M.P (MD) No.9637 of 2019

Hemalatha

... Petitioner/Respondent

vs.

R.Sidhanathan

... Respondent/ Petitioner

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.3611 of 2019 on the file of the Principal Family Court, Chennai and transfer the same before the learned Family Court, Mudukulathur.

For Petitioner	: Mr.R.Venkatesh
	for Right Law Associates
For Respondent	: Ms.S.Devasena

ORDER

The petitioner / wife seeks transfer of H.M.O.P.No.3611 of 2019 filed by the husband on the file of the Family Court, Chennai seeking divorce under Section 13 (1) (i-a) (i-b) of the Hindu Marriage Act.

2. The petitioner / wife is the resident of Vadakkur, Mudukulathur Taluk, Ramanathapuram District, which is about 450 kilometers from Madurai city. The husband is the resident of Velachery and now he is working at Chennai. The wife seeks transfer on the ground that she has got two minor children to take care and she cannot travel to Chennai for every hearing to appear before the Family Court. I find that the request for transfer made by the wife is reasonable, since the presence of the parties is mandatory in the proceedings before the Family Court.

3. The learned counsel for the respondent / husband would submit that the petitioner / wife has been causing serious threat to his life and he is even unable to meet his counsel in peace. Therefore, transferring the matter to Mudukulathur would deprive a chance to him to contest the proceedings in a peaceful atmosphere.

4. Considering the submission made on either side, I am of the considered opinion that H.M.O.P.No.3611 of 2019 pending on the file of the Family Court, Chennai could be transferred to the file of the III Additional Sub Court, Madurai, which is exercising jurisdiction



in matrimonial matters, which fall outside the jurisdiction of the Family Court, Madurai, so that the inconvenience caused to the parties can be minimized to a large extent, as the presence of the parties is not required in a proceedings before the Sub Court.

5. In fine, this Transfer Petition is allowed and H.M.O.P.No.3611 of 2019 pending on the file of the Family Court, Chennai is withdrawn and transferred to III Additional Sub Court, Madurai. The learned Principal Family Judge, Chennai is directed to transmit the papers in H.M.O.P.No.3611 of 2019 to the III Additional Sub Court, Madurai for disposal in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

ta

To

- 1.The Family Court, Chennai
2. III Additional Sub Court, Madurai

+1 CC to M/s.RIGHT LAW ASSOCIATES, Advocate (SR-103534[F] dated 05/12/2019)

+1 CC to M/s.S.DEVASENA, Advocate (SR-103873[F] dated 06/12/2019)

TR.C.M.P. (MD) No.414 of 2019

05.12.2019

SMA/19/12/19/2P/5C