



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE P.T. ASHA

WEB COPY

TRCMP(MD).No. 508 of 2018 and
CMP(MD).Nos. 1191 and 11912 of 2018

S. Pratheerja

... Petitioner

Vs.

T. Anand

... Respondent

PRAYER: This petition is filed, under Section 24 of CPC to withdraw and transfer HMOP.No. 329 of 2018 pending on the file of Family Court, Trichy to the Family Court at Nagercoil in Kanyakumari District.

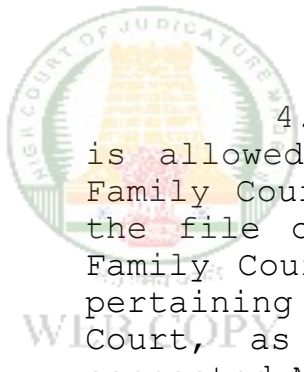
For Petitioner	: Mr. D. Chirstenson Jugunu
For Respondent	: No appearance

ORDER

The Transfer Civil Miscellaneous Petition is filed by the petitioner / wife seeking to transfer HMOP.No. 329 of 2018 pending on the file of Family Court, Trichy, filed by the respondent / husband for divorce to the Family Court at Nagercoil, Kanyakumari District, since the petitioner is residing at Nagercoil in the care and custody of her parents.

2. It is also averred in the affidavit filed in support of the petition that the respondent / husband had forcibly taken away the eldest daughter and the second child is with the petitioner. The petitioner would also contend that she is in need of medical treatment, which she is getting from Trivendram and therefore, it would be impossible for her to travel to Trichy to attend hearing of the case.

3. Considering the fact that the presence of the parties is required for every hearing in the Family Court and considering the submission of the the learned counsel appearing for the petitioner that the respondent is not paying any maintenance to the petitioner or her minor son, this Court is of the view that the petition pending on the file of Family Court, Trichy in HMOP.No. 329 of 2018 should be transferred to the file of the Family Court at Nagercoil, since the Family Court, Nagercoil is also vested with the jurisdiction to try the petition for divorce.



4. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and the HMOP.No. 329 of 2018 pending on the file of Family Court, Trichy is ordered to be withdrawn and transferred to the file of the Family Court at Nagercoil. The learned Judge, Family Court, Trichy, is directed to transmit the entire records pertaining to the case in HMOP No.329 of 2018, to the transferee Court, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Family Court, Trichy
2. The Family Court at Nagercoil.

+1 CC to Mr.D.CHRISTENSON JUGUNU, Advocate (SR-88872[F] dated 24/09/2019)

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trp

MK (15.10.2019) 2P 4C