



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 23.10.2019

CORAM

WEB COPY

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.C.M.P. (MD)No.380 of 2019

and

C.M.P. (MD)No.8688 of 2019

K.Janani

.. Petitioner

Vs.

S.Muthuchamy

.. Respondent

Prayer : Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.98 of 2018 on the file of the Additional Sub Court, Srivilliputhur and to transfer the same to the Family Court, Madurai.

For Petitioner	: Mr.M.Jegadeesh Pandian
For Respondent	: Mr.Alagu Sundar

ORDER

The above Transfer Civil Miscellaneous Petition has been filed seeking to withdraw H.M.O.P.No.98 of 2018 filed by the petitioner, for divorce, on the file of the Additional Subordinate Court, Srivilliputhur, to the file of the Family Court, Madurai.

2.The reason that the petitioner has put forth for seeking the relief is that she was working as Junior Assistant at Walajapettai and now she has been transferred to Rajapalayam and therefore, she seeks the matter to be transferred to Family Court, Madurai, where she is now temporarily residing and the matter is pending before the learned Additional Sub Judge, Srivilliputhur. She would further state that she will not be able to travel to Sub Court, Srivilliputhur for every hearing and further she has been threatened and harrassed by her husband.

3.The petitioner is seeking to have the matter transferred to the Family Court, Madurai on the ground that she is now temporarily residing at Madurai. The temporary residence of the petitioner will not confer jurisdiction on the Court of Madurai to hear the petition for divorce. That apart, it is seen that the matter is now pending before the Sub Court, where the presence of the parties are not required and it would suffice, if the parties appear before the Court for adducing evidence. The petitioner is admittedly an employee at Rajapalayam. If the matter is pending before the Family



Court, Madurai, she has to leave her work and attend the every hearing of the proceedings, which would definitely result in abstaining from work. The Court would not be a party to the same.

4.Considering the above stated facts, the petition for transfer filed by the wife is dismissed. A direction is issued to the learned Sub Judge, Srivilliputhur to dispose of H.M.O.P.No.998 of 2018 within a period of five months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

Mrn

To

The Additional Sub Judge,
Srivilliputhur

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-94541[F] dated 25/10/2019)

Tr.C.M.P. (MD) No.380 of 2019
23.10.2019

_KK/SAR/25.11.2019/2P-3C/