



WEB COPY

Tr.C.M.P(MD)No.431 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2019

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THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P (MD) No.431 of 2019

and

C.M.P(MD) No.9924 of 2019

Shanmugam @ Kavitha

... Petitioner/Respondent /Wife

-Vs-

S.Saravanabhavan

... Respondent / Petitioner/Husband

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 r/w 151 of C.P.C., to withdraw the case on the file of the Family Court, Tirunelveli in HMOP No.211 of 2019 and transfer the same to the Principal Sub Court, Poonamallee.

For Petitioner : Mr.B.Anandan

For Respondent : Mr.P.Pethu Rajesh

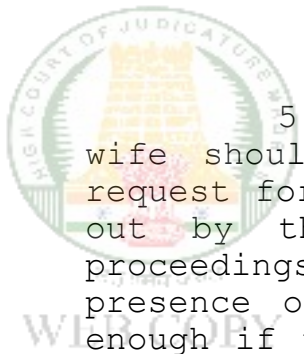
O R D E R

The petitioner/wife seeks transfer of the H.M.O.P.No.211 of 2019 on the file of the Family Court, Tirunelveli to Principal Sub Court, Poonamallee.

2. The petitioner is admittedly a resident of Sriperumpudur, whereas the respondent is a resident of Thachanallur, Tirunelveli District. The marriage had taken place at Thoothukudi. Claiming that it will be very difficult for her to conduct the proceedings before the Family Court, Tirunelveli since her personal appearance is required for every hearing, the petitioner/wife seeks transfer to Principal Sub Court, Poonamallee. According to her, since the personal appearance of the parties are not required in Sub Court for matrimonial proceedings, such transfer will not cause any great inconvenience to the respondent.

3. The learned counsel appearing for the respondent would vehemently oppose the transfer contending that he will have to travel atleast 600 kms for every hearing to the Principal Sub Court, Poonamallee. It is also claimed that the family of the petitioner, who are in Sriperumpudur, are very influential people and they may cause harm to him, if he is to appear before the Sub Court, Poonamallee.

4. I have considered the rival submissions.



5. The law is now well settled that the convenience of the wife should be given paramount consideration in considering the request for transfer of matrimonial proceedings. As rightly pointed out by the learned counsel for the petitioner that if the proceedings are transferred to Principal Sub Court, Poonamallee, the presence of the parties on every hearing is not required. It is enough if they attend the hearings only when the evidence is to be recorded. Though it is claimed by the respondent that the family of the petitioner/wife is very influential, there is no substantive material produced to establish the said contention. I am therefore of the view that the request for transfer to Principal Sub Court, Poonamallee is just and reasonable. Hence, this petition is allowed and H.M.O.P.No.211 of 2019 pending on the file of the Family Court, Tirunelveli is withdrawn and transferred to Principal Sub Court, Poonamallee. The Family Court, Tirunelveli is directed to despatch the papers to the Principal Sub Court, Poonamallee within a period of two weeks from the date of receipt of a copy of this order. The Principal Sub Court, Poonamallee shall hear the HMOP No.211 of 2019 on priority basis and dispose of the same within a period of six months from the date of receipt of the records. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Judge, Family Court,
Tirunelveli.

2.The Principal Subordinate Judge,
Poonamallee.

3. The Record Keeper, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.B.Anandan, Advocate Sr.No.104891

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VB(02.01.2020) 2P 6C