



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2019

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.452 of 2019
and C.M.P. (MD) No.10394 of 2019

K.Deepa

... Petitioner/Respondent

Vs.

Varadharaj

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.5025 of 2018 on the file of the 4th Additional Family Court at Chennai and to transfer the same to Sub Court, Virudhunagar, Virudhunagar District or any other nearest court.

For Petitioner : Mr.R.Balamuruganantham
For Respondent : Mr.M.Ashok Kumar

ORDER

The wife, who is facing proceedings for divorce in H.M.O.P.No.5125 of 2018 on the file of the IV Additional Family Court, at Chennai, seeks transfer of the same to the file of the Sub Court, Virudhunagar to be tried along with her petition for restitution of conjugal rights in H.M.O.P.No.38 of 2019.

2. According to the petitioner, though the last place of residence was Chennai, she is currently living at Virudhunagar and she has also filed a case for maintenance as well as Domestic Violence before the learned Judicial Magistrate No.2, Virudhunagar. According to her, it will be very difficult for her to conduct the proceedings at Family Court, Chennai, which requires the presence of the parties for every hearing. On the other hand, if the proceedings are conducted at Sub Court, the husband may not have to undergo the ordeal of appearing before the court for every hearing as counsel can represent the parties before the sub-court.

3. This request is opposed by the husband contending that divorce is sought on the ground of adultery. According to the learned counsel, it may become necessary for him to examine the Investigating Officer before whom the criminal case is pending. In that event, the witness may find it difficult to go over to Virudhunagar.



4. In my considered opinion, that alone cannot be a ground to refuse transfer when transfer is sought for by the wife on the ground of convenience. In fact, transfer to Sub Court will be convenient to both parties as both of them will not be required to appear before the court for every hearing.

5. In view of the above, the proceedings in H.M.O.P.No.5025 of 2018 is withdrawn from the file of the Family Court, Chennai and transferred to the file of the Sub Court, Virudhunagar to be tried along with H.M.O.P.No.38 of 2019, which is already pending before the same court. The Family Court, Chennai, is directed to transmit the papers to the file of the Sub Court, Virudhunagar.

6. In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

CM
To

1.The Judge,
IV Additional Family Court, Chennai.

2.The Judge, Sub Court, Virudhunagar.

+1 CC to M/s.M/S.M.ASHOK KUMAR, Advocate (SR-105253[F] dated 17/12/2019)

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cm

TK/SAR./06.01.2020/2P/4C