



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.50 of 2020 and
C.M.P. Nos.1604 & 4133 of 2020

S.Vivekan Arther

...Petitioner/Respondent

vs.

R.Jeya Sweetha

...Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in O.P. No.368 of 2020 on the file of Family Court at Tuticorin and transfer the same to Subordinate Court, Tambaram.

For Petitioner : Mr.T.Starlin Gnanadhas

For Respondent : M/s.Elizabeth Ravi

O R D E R

The Petitioner herein, namely the husband of the respondent herein, has come up with this Petition seeking transfer of O.P. No.368 of 2020, pending on the file of Family Court, Tuticorin to the file of Sub Court, Tambaram.

2. The respondent herein, namely wife, initially filed a Divorce Original Petition in D.O.P. No.269 of 2019 on the file of Principal District Judge, Tuticorin and then the same was transferred to the file of Family Court, Tuticorin and renumbered as O.P. No.368 of 2020. By inadvertence, in the prayer portion, the petitioner has mentioned that the divorce petition is pending on the file of Principal District Judge, Tuticorin instead of Family Court, Tuticorin. To correct the said mistake, he has filed C.M.P. No.4133 of 2020 and the same is ordered.

3. The grievance is that both the parties are working at Chennai, which has been refuted that wife is residing at Tuticorin and not working at Chennai. This court is not inclined to go into the veracity of this averment.

4. The only grievance of the petitioner is that both of them are need to be represented by a lawyer. For that reason, there is no need to transfer O.P. No.368 of 2020 from the file



of Family Court, Tuticorin to any other court, including Sub Court, Tambaram. There are no reasons for transferring the case and that the matter pending before the Family Court, Tuticorin may be taken up for adjudication by the said court, as expeditiously as possible, without adjourning the matter beyond 45 working days at any point of time, to bring the issue to a logical end, preferably within a period of one year.

5. The parties are permitted to represent by a lawyer and it is suffice for them to appear before the court for tendering evidence and during the course of examination of the witness of the other side. The litigants, who are seeking transfer of a case from Subordinate Court to Family Court, are in an advantageous position, as the next stage of appeal is to the High Court and the matter will be heard by the Division Bench and in case, the case is transferred from Family Court to Subordinate Court, then there would be yet another appeal to the District Court and the Presiding Officer will be in the same rank that of a Family Court Judge and thereafter, the parties will have to approach High Court by way of CMA, which will be listed before a Single Judge of this Court. If the cases are transferred from Subordinate Courts, the litigant seeking transfer to Subordinate Court will be endlessly litigating forever. Whoever succeeds in the family court cases, ultimately the result is one and the same viz., the family life is gone.

6. The Transfer Civil Miscellaneous Petition is Disposed of. No costs. Consequently, the connected C.M.P.No.1604 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

(Asr)

To :

1.The Family Court, Tuticorin.

2.The Subordinate Court, Tambaram.

+1cc to M/s.Elizabeth Ravi, Advocate SR.15011

+2cc to Mr.Starlin Gnanadhas, Advocate SR.15412

Tr. C.M.P. No.50 of 2020 and
C.M.P. Nos.1604 & 4133 of 2020

SR(CO)

CB(10/07/2020)