



WEB COPY

Tr.C.M.P(MD)No.55 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2020

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.55 of 2020

and

C.M.P(MD) No.1003 of 2020

Sahaya Sheela @ Sheela

... Petitioner

-Vs-

Gnanaraja @ Rajendran

... Respondent

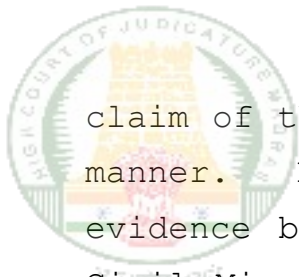
Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the I.D.O.P.No.17 of 2017, on the file of the Family Court, Trichirappalli and transfer to any other District Court, Trichirappalli District filed by the petitioner.

For Petitioner : Mr.G.Manikandan
For Respondent : Mr.C.Jeyaprakash

O R D E R

The petitioner/wife, who is facing the proceedings for divorce in I.D.O.P.No.17 of 2017 pending on the file of the Family Court, Trichirappalli, has come up with this transfer petition solely on the ground that the learned Family Judge had closed the evidence of witnesses since the petitioner or her counsel were not available for cross-examination on 25.10.2019.

2. It is seen from the proceedings of the Family Court that the petitioner herein, who is the respondent in I.D.O.P.No.17 of 2017 has been highly irregular in appearing before the Court. The witness Mr.Philomin Raj was summoned by the respondent/husband to be examined as his witness. Since the petitioner/wife and her counsel were absent on the day of examination of the witness the Family Court had closed the evidence. This has ignited this transfer petition. I do not think mere closure of evidence of witness can justify the request for transfer. I do not see any merit in the



claim of the petitioner that the Family Court is acting in a biased manner. It is open to the petitioner to seek re-opening of the evidence by filing an appropriate application. Hence, the Transfer Civil Miscellaneous Petition is dismissed. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

am
To

1. The Judge, Family Court,
Trichirappalli.
 2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 copies)
- +1 CC to M/s.V.ILLANCHEZIAN, Advocate (SR-4509[F] dated 03/02/2020)
- +1 CC to M/s.C.JEYAPRAKASH, Advocate (SR-4056[F] dated 31/01/2020)

Tr.C.M.P(MD)No.55 of 2020
31.01.2020

_KK/SAR/19.02.2020/2P-6C/