



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

Tr.C.M.P(MD)No.198 of 2019
and C.M.P. (MD) No.4534 of 2019

WEB COPY

Revathi ... Petitioner/Respondent/Wife

Vs.

Nagarajan ... Respondent/Petitioner/Husband

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw H.M.G.W.O.P.No.4 of 2018 on the file of the learned Principal District and Sessions Judge, Theni and transfer the same to the file of the learned Family Court, Dindigul to be tried along with H.M.O.P.No.81 of 2018 and M.C.No.11 of 2019 pending on the file of the Family Court, Dindigul.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondent : Mr.C.M.Arumugam

J U D G M E N T

This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife, who has filed a petition for divorce in H.M.O.P. No. 81 of 2018 under Section 13(1)(i-b) of the Hindu Marriage Act on the file of the Family Court, Dindigul, seeking transfer of Guardian O.P in H.M.G.W.O.P.No. 4 of 2018 on the file of the District and Sessions Court, Theni, to the file of the Family Court, Dindigul, to be tried along with H.M.O.P.No.81 of 2018.

2. Transfer is sought mainly on the ground of convenience of the wife, who is a resident of Dindigul. It is also stated that the child is also a resident of Dindigul.

3. This request is opposed by the learned counsel for the respondent/husband contending that his life will be endangered, if he appears for every hearing in Family Court, Dindigul, since the wife is a native of Dindigul. It is also stated that a case in M.C.11 of 2019, which was filed by the wife for maintenance is posted for orders.

4. Since the minor child is a resident of Dindigul and the wife is also a resident of Dindigul, I am of the considered opinion that H.M.G.W.O.P.No. 4 of 2018 pending on the file of the District and Sessions Court, Theni, to be transferred to the Family Court,



Dindigul, to be tried along with H.M.O.P.No. 81 of 2018.

5. The learned counsel for the respondent/husband would submit that the respondent/husband is working in Maharashtra and it will be difficult for him to appear before the Family Court for each and every hearing.

6. Taking into account the said submission, the husband is permitted to move an application to dispense with the appearance for non-effective hearings.

7. The learned counsel for the petitioner/wife would submit that the petitioner would have no objection, if the husband seeks to dispense with his appearance.

8. The above statement is recorded.

9. Accordingly, H.M.G.W.O.P.No. 4 of 2018 pending on the file of the District and Sessions Court, Theni, is withdrawn and transferred to the Family Court, Dindigul, to be tried along with H.M.O.P.No. 81 of 2018. The learned District and Sessions Judge, Theni, is directed to transmit the papers in H.M.G.W.O.P.No.4 of 2018 to the file of the Family Court, Dindigul forthwith.

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

CM

To,

- 1.The Principal District and Sessions Judge, Theni,
- 2.The Family Court, Dindigul.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-4723[F] dated 04/02/2020)

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SMV (CO)

TR(03.11.2020) 2P 4C

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