



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2020

CORAM :

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

Tr.C.M.P(MD)No.513 of 2019

and

C.M.P. (MD) No.11834 of 2019

Anitha

... Petitioner/Respondent

Vs.

D.Baskaran

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the O.P.No.4458 of 2019 on the file of the Family Court, Chennai and transfer the same to the file of the Family Court, Tirunelveli.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.T.Antony Arulraj

J U D G M E N T

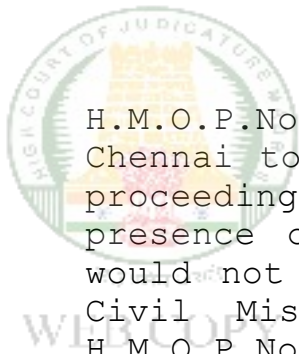
The wife, who is facing the proceedings for divorce under Section 13(1)(i-a) and 13(1)(ii) of the Hindu Marriage Act before the Family Court, Chennai in O.P.No.4458 of 2019, has come up with this transfer civil miscellaneous petition seeking transfer of the said proceedings to the Family Court at Tirunelveli.

2. Admittedly, the wife is working as the Professor, Department of Physiology, Tuticorin Medical College, Tuticorin. She is a resident of Palayamkottai, Tirunelveli District. The husband is residing at Chennai. On the basis of the last residence, O.P has been filed at Chennai.

3. Claiming that it will be difficult for her to travel to Chennai for every hearing since she had taken treatment for hip arthritis, the petitioner seeks transfer to the file of the Family Court, Tirunelveli.

4. The said request is opposed by the respondent contending that he was assaulted at Chennai and going to the native place of the wife will pose threat to his security. He would also contend that the respondent/husband being a Doctor cannot travel from Chennai to Tirunelveli for every hearing to appear before the Family Court.

5. Considering the over all circumstances, I am of the opinion that the request of the petitioner will be in the interest of justice to transfer the proceedings to the Family Court at Tirunelveli.



H.M.O.P.No.4458 of 2019 pending on the file of the Family Court, Chennai to the file of the Subordinate Court, Tuticorin since the proceedings before the Subordinate Court do not require the presence of the parties for every hearing and both the parties would not be prejudiced by such transfer. Hence, this Transfer Civil Miscellaneous Petition is allowed. The proceedings in H.M.O.P.No.44458 of 2019 on the file of the Family Court, Chennai is withdrawn and transferred to the file of the Subordinate Court, Tuticorin, to be tried and disposed in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar(CS)

CM

To

1. The Family Court, Chennai

2.The Subordinate Court, Tuticorin

+2 CC to MR.T.ANTONY ARULRAJ, Advocate (SR-359,887[F] dated 06/01/2020)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-693[F] dated 08/01/2020)

Tr.C.M.P (MD) No.513 of 2019
and
C.M.P. (MD) No.11834 of 2019
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