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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P. (MD)No.525 of 2019

and

C.M.P. (MD)No.12227 of 2019

D.Lydia ... Petitioner / Respondent
Vs.

D.Cyril raj David Jermin ... Respondent / Petitioner

PRAYER: This Petition is filed under Section 24 of Civil Procedure Code, to withdraw the proceedings in I.D.O.P.No.313 of 2019 on the file of the Family Court, Tirunelveli and transfer the same to the Family Court, Madurai or any other competent Court.

For Petitioner : Mr.K.Samidurai
For Respondent : Mr.K.Rajeshwaran

O R D E R

The petitioner / wife, who is facing proceedings for divorce under Section 10(i)(x) of the Indian Divorce Act in I.D.O.P.No.313 of 2019 on the file of the Family Court, Tirunelveli, seeks transfer of the same to the Family Court, Madurai. The transfer is sought for mainly on the ground of convenience of the wife. The request for transfer is opposed by the respondent / husband on the ground that he is suffering from depression and as such he cannot travel alone to Madurai for every hearing before the Family Court and he needs assistance for travel.

2.Considering the circumstances and the nature of the allegations made in the divorce petition, I am of the considered opinion that I.D.O.P.No.313 of 2019 can be placed before a Principal District Court, where the presence of the parties is not required for every hearing.

3.In view of the above, I.D.O.P.No.313 of 2019 is withdrawn from the file of the Family Court, Tirunelveli and transferred to the Principal District Judge, Madurai, who has got jurisdiction to decide IDOPs apart from the Family Court at Madurai. The Transfer Civil Miscellaneous Petition is, therefore, allowed. The Family Court, Tirunelveli is directed to transfer the petition in I.D.O.P.No.313 of 2019 to the Principal District Court, Madurai, forthwith.



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accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar (CS)

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To

1.The Judge, Family Court, Tirunelveli.

2.The Principal District Judge, Madurai.

+1 CC to MR.K.RAJESHWARAN, Advocate (SR-3790[F] dated 29/01/2020)

+1 CC to MR.K.SAMIDURAI, Advocate (SR-3989[F] dated 30/01/2020)

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