



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P. (MD)No.532 of 2019

and

C.M.P. (MD)No.12419 of 2019

S.Nagarathinam @ Sankareswari

... Petitioner / Respondent

Vs.

V.Kannan @ Sankaranarayanan

... Respondent / Petitioner

PRAYER: This Petition is filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P.No.137 of 2019 on the file of the Family Court, Srivilliputtur, Virudhunagar District and to transfer the same to the Family Court, Thoothukudi, Thoothukudi District.

For Petitioner : Mr.M.Jothi Basu

For Respondent : Mr.P.Mahendran

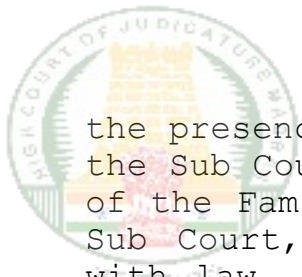
O R D E R

The petitioner / wife, who is facing proceedings for divorce at the instance of the respondent / husband under Section 13(1)(i-a) of the Hindu Marriage Act, in H.M.O.P.No.137 of 2019 before the Family Court at Srivilliputhur, seeks transfer of the same to the Family Court, Thoothukudi.

2.According to the wife, she is a resident of Thoothukudi and she also taking care of her 8 years old minor son, who is studying in Thoothukudi and hence, it will be difficult for her to conduct the proceedings at Family Court, Srivilliputhur, where the presence of the parties for every hearing is required.

3.The respondent / husband would oppose the said request claiming that he is forced to take care of the aged parents and hence, it is difficult for her to attend the Family Court at Thoothukudi.

4.Considering the facts and circumstances of the case, I am of the opinion that the transfer of the proceedings in H.M.O.P.No.137 of 2019 to the Family Court, Thoothukudi will meet the ends of justice, as



the presence of the parties for every hearing is not required before the Sub Court. Therefore, H.M.O.P.No.137 of 2019 pending on the file of the Family Court, Srivilliputhur is withdrawn and transferred to Sub Court, Thoothukudi to be tried and disposed of in accordance with law. The Family Court, Srivilliputhur is required to transmit the papers in H.M.O.P.No.137 of 2019 to the Sub Court, Thoothukudi, forthwith.

5.This Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Judge, Family Court, Srivilliputhur.

2. The Subordinate Judge, Thoothukudi.

+1 CC to M/s.G.M.LAW ASSOCIATES, Advocate (SR-2270[F] 22/01/2020)

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-2710[F] dated 23/01/2020)

Tr.C.M.P. (MD) No.532 of 2019

21.01.2020

raj2

SDS(28.01.2020) 2P-5C