



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.58 of 2021

and

C.M.P. (MD) No.1144 of 2021

WEB COPY

P.Selva Angel Saral

... Petitioner/Respondent

-vs-

S.Prasath

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the I.D.O.P.No.639 of 2019 from the Family Court, Tuticorin and transfer the same to the file of Additional District Court, Tirunelveli.

For Petitioner : Mr.H.Arumugam

For Respondent : No appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the I.D.O.P.No.639 of 2019 from the file of Family Court, Tuticorin and transfer the same to the file of Additional District Court, Tirunelveli.

2.The respondent/husband has filed I.D.O.P.No.639 of 2019 before the Family Court, Tuticorin, for dissolution of marriage.

3. The learned counsel for the petitioner/wife submitted that the petitioner is having two children and she is living with the support of her aged parents in Tirunelveli. Since the respondent did not maintain the petitioner and his children, the petitioner has filed M.C.No.3 of 2020 before the Judicial Magistrate, Nanguneri for maintenance and the respondent attends the hearing of maintenance petition at Nanguneri and as such, he will not be prejudiced, if the case is transferred to the District Court, Tirunelveli. The distance between Tirunelveli and Tuticorin is nearly 50 kms. Further, the respondent has not paid any maintenance and the petitioner is depending on her parents for daily needs. In this circumstance, it is difficult for the petitioner to travel from Nanguneri to Tuticorin for attending the Court hearing in I.D.O.P.No.639 of 2019. Hence, he prays to transfer the case to Tirunelveli.

4.Though the name of the respondent is printed in the cause list, the respondent has not chosen to appear either in person or through counsel.



5.This Court is satisfied with the reasons stated in the affidavit filed in support of this petition.

6. Considering the facts and circumstances of the case and considering the submission made by the learned counsel for the petitioner, I.D.O.P.No.639 of 2019. is withdrawn from the file of Family Court, Tuticorin and transfer to the file of Additional District Court, Tirunelveli, for disposal as per law. The learned Judge, Family Court, Tuticorin, is directed to transmit the papers to the file of the Additional District Court, Tirunelveli, forthwith. The learned Additional District Judge, Tirunelveli, is directed to dispose of the proceedings in I.D.O.P.No.639 of 2019 on merits and in accordance with law as expeditiously as possible.

7.In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

1.The Judge, Family Court, Tuticorin.

2.The Additional District Judge, Tirunelveli.

+1 CC to M/s.H.ARUMUGHAM, Advocate (SR-23742[F] dated 23/07/2021)

Tr.C.M.P. (MD) No.58 of 2021

and

C.M.P. (MD) No.1144 of 2021

22.07.2021

MJ (CO)

KB(30.07.2021) 2P 4C