



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2021

CORAM

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

TR.C.M.P. (MD)No.24 of 2021

and C.M.P. (MD)No.457 of 2021

WEB COPY

V.Vanajarani

: Petitioner

Vs.

D.Anbalagan

: Respondent

PRAYER:- The petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the G.W.O.P.No.1092 of 2020 on the file of the Family Court, Coimbatore to the Family Court, Kanyakumari District at Nagercoil.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.D.Malachaimy

ORDER

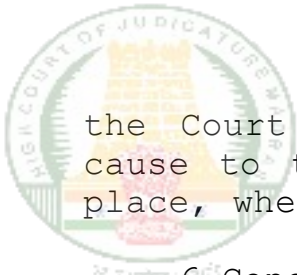
Wife seeks transfer of G.W.O.P.No.1092 of 2020 on the file of the Family Court, Coimbatore to the Family Court, Kanyakumari at Nagercoil.

2.Transfer is sought for mainly on the ground of convenience. It is not in dispute that the wife is a resident of Kanjiracode, Kanyakumari District. Claiming that the male child is with her and attending every hearing in the Family Court at Coimbatore, will be very difficult for her, since she is now residing at Kanjaricode, Kanyakumari District, the wife seeks transfer.

3.This request for transfer is opposed by the respondent/husband contending that the wife, who lived with him till 06.10.2020, was caught red handed with her paramour and thereafter, took the child and went to her native place. Therefore, according to the learned Counsel for the respondent, the wife does not deserve any sympathy.

4.I do not propose to going into the correctness of the allegations made either in the affidavit filed in support of this petition or in the counter affidavit filed by the respondent/husband in this proceedings, since they are very serious in nature and they require evidentiary support.

5.The Honourable Supreme Court has repeatedly held that the convenience of the weaker sex must borne in mind by the Court, when it deals with the request for transfer. At the same time,



the Court cannot also be oblivious to the hardship that would cause to the husband, if the proceedings are transferred to the place, where the wife is residing.

6.Considering the above, I am of the opinion that the proceedings could be transferred to the Principal District Court, Kanyakumari at Nagercoil, instead of Family Court, Kanyakumari, so that the husband need not appear for every hearing before the Principal District Court.

7.In the light of the above, G.W.O.P.No.1092 of 2020 is withdrawn from the file of the Family Court, Coimbatore and transferred to the Principal District Court, Kanyakumari at Nagercoil.

8.The learned Counsel for the respondent would submit that he has also filed an application for interim visitation rights. The Transferee Court, namely, the Principal District Court, Kanyakumari at Nagercoil, is required to dispose of the said interim application within a period of eight weeks from the date of receipt of the papers from the Family Court, Coimbatore. Family Court, Coimbatore is directed to transmit the papers to the Principal District Court, Nagercoil, forthwith.

9.The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1.The Judge, the Family Court, Coimbatore.

2.The Principal District Judge, Kanyakumari District at Nagercoil.

+1 CC to M/s.D.MALAICHAMY, Advocate (SR-5868[F] dated 18/02/2021)

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-5998[F] dated 18/02/2021)

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18.02.2021

KG(CO)

TR(22.02.2021) 2P 5C

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