



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.89 of 2021

and C.M.P (MD)No.1909 of 2021

WEB COPY

N.Sooriya Gomathy

... Petitioner/Respondent

-vs-

Lakshmi Narayanan

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case bearing H.M.O.P.No.121 of 2020 on the file of the Family Court, Tirunelveli, Tirunelveli District and subsequently transfer the same to the file of the Family Court, Vellore, Vellore District forthwith.

For Petitioner : Mr.J.Sankara Pandian
For Respondent : Mr.R.Ponkarthikeyan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case bearing H.M.O.P.No.121 of 2020 on the file of the Family Court, Tirunelveli, Tirunelveli District and subsequently transfer the same to the file of the Family Court, Vellore, Vellore District forthwith.

2.The respondent has filed H.M.O.P.No.121 of 2020 before the Family Court, Tirunelveli, Tirunelveli District for restitution of conjugal rights.

3. The learned counsel for the petitioner/wife submitted that the petitioner is working as teacher in Vellore District and also her children are also studying in Vellore District. In this circumstance, it is difficult for the petitioner to travel from Vellore to Tirunelveli for attending every hearing in H.M.O.P.No.121 of 2020. Hence, the petitioner prays for transfer of H.M.O.P.No.121 of 2020 from the file of the Family Court, Tirunelveli to the file of the Family Court, Vellore, Vellore District.

4. The learned counsel appearing for the respondent has filed a counter by stating some reasons. The learned counsel for the respondent has strongly objected for transferring the petition. His main contention is that if the case is tried in Family Court, the appearance of the parties are necessary and therefore, he prays for transfer of the case to the file of the Sub Court or the appearance of the parties may be dispensed with.



5. This Court considered the arguments made by both sides.

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

7. Considering the facts and circumstances of the case and considering the submission made both sides, H.M.O.P.No.121 of 2020 is withdrawn from the Family Court, Tirunelveli and transferred to the file of Family Court, Vellore District, for disposal as per law. The Judge, Family Court, Tirunelveli, is directed to transmit the papers to the file of the Family Court, Vellore District forthwith. The Judge, Family Court, Vellore, Vellore District, is directed to dispose H.M.O.P.No.121 of 2020 on merits and in accordance with law as expeditiously as possible.

8. The personal appearance of the parties before the Family Court is dispensed with, except on the dates of hearing, on which, the learned Judge insists upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the court.

9. In fine, this petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

msa/CM

To:

1. The Judge, Family Court, Tirunelveli.

2. The Judge, Family Court, Vellore.

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-18219[F] dated 30/04/2021)

Tr.C.M.P. (MD) No.89 of 2021
and C.M.P (MD) No.2491 of 2021

Dated:

29.04.2021