



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.167 of 2021

and

C.M.P. (MD)No.3206 of 2021

WEB COPY

Ruby ... Petitioner
-vs-
Yosappu ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the Criminal M.P.No.6320 of 2020 in M.C.No.16 of 2016 before the Family Court at Thoothukudi and transfer to Family Court at Madurai.

For Petitioner : Mr.M.Punitha Deva Kumar
For Respondent : Mr.P.Suresh

O R D E R

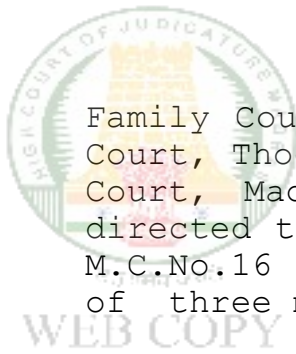
The present Transfer Civil Miscellaneous Petition is filed to withdraw the Criminal M.P.No.6320 of 2020 in M.C.No.16 of 2016 before the Family Court at Thoothukudi and transfer to Family Court at Madurai.

2.The petitioner/wife filed Criminal M.P.No.6320 of 2020 in M.C.No.16 of 2016 before the Family Court, Thoothukudi, against the respondent/husband for arrears of maintenance.

3.The learned counsel for the petitioner submitted that the petitioner is now residing at Thiruparankundram along with her children and she has no source of income and she is depending on her family members for her livelihood. The respondent has not paid any maintenance amount till date. In such circumstances, without any financial aid, it is very difficult for the petitioner to travel from Thirupparankundram to Thoothukudi for attending every hearing in M.P.No.6320 of 2020 in M.C.No.16 of 2016.

4.The learned counsel for the respondent/husband would submit that the reasons stated by the petitioner are all not acceptable one and he strongly opposed to allow this petition. However, if this Court feels to allow this petition, a direction may be issued to the Court below to dispose the case within the stipulated period.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel, Criminal M.P.No.6320 of 2020 in M.C.No.16 of 2016 is withdrawn from the file of the Family Court, Thoothukudi and transferred to the file of the



Family Court, Madurai, for disposal as per law. The Judge, Family Court, Thoothukudi, is directed to transmit the papers to the Family Court, Madurai, forthwith. The Judge, Family Court, Madurai, is directed to dispose of the case in Criminal M.P.No.6320 of 2020 in M.C.No.16 of 2016 on merits and in accordance with within a period of three months from the date of receipt of a copy of this order.

6. In fine, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1. The Judge, Family Court, Thoothukudi

2.The Judge, Family Court, Madurai

+1 CC to M/s.M.PUNITHA DEVA KUMAR, Advocate (SR-21660[F] dated 08/07/2021)

Tr.C.M.P.(MD) No.167 of 2021
and

C.M.P.(MD)No.3206 of 2021
06.07.2021

SSS(CO)

KB(13.07.2021) 2P 4C