



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.105 of 2021

and

C.M.P. (MD) No.2221 of 2021

P.Harshinipriya

... Petitioner/Respondent

-vs-

D.Jegadeesh

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw F.C.O.P.No.212 of 2020 from the file of the Family Court at Chengalpet and transfer the same to the Family Court at Dindigul.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondent : Mr.K.Karnan

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in F.C.O.P.No.212 of 2020 from the file of the Family Court at Chengalpet and transfer the same to the Family Court at Dindigul.

2.The learned counsel for the petitioner/wife submits that the respondent/husband has filed F.C.O.P.No.212 of 2020 on the file of the Family Court at Chengalpet for dissolution of marriage. It is further submitted that the petitioner is having a seven months tender child and she is depending on her old aged mother. In such circumstances, the petitioner could not able to travel from Dindigul to Chengalpet for attending every hearing in F.C.O.P.No.212 of 2020 on the file of the Family Court at Chengalpet.

3. Per contra, the learned counsel for the respondent has strongly objected for transferring the case. Pointing out paragraph No.7 of the counter, the learned counsel would submit that since Dindigul is native place to the petitioner, there would be life threat to the respondent. Further, the respondent is working at Chennai and if the case is transferred to Dindigul, it would be difficult for him to travel from Chennai to Dindigul. The learned counsel for the respondent also submits that if this Court inclines to transfer the case, the same may be transferred to Perambalur.



4. Replying to this, the learned counsel for the petitioner submits that the case may be transferred to the Family Court at Trichy District.

5. This Court considered the arguments made on either side.

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 also considering the submissions made by both counsel, F.C.O.P.No.212 of 2020 on the file of the Family Court at Chengalpet is withdrawn and transferred the same to the Family Court, Trichy District for disposal as per law. The Judge, Family Court, Chengalpet, is directed to transmit the papers to the Family Court, Trichy District forthwith. The Judge, Family Court, Trichy District is directed to dispose F.C.O.P.No.212 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, when 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. This petition is disposed of to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

1.The Judge, Family Court at Chengalpet

2.The Judge, Family Court, Trichy District.

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-16209[F] dated 17/04/2021)

Order made in

Tr.C.M.P. (MD) No.105 of 2021

and

C.M.P. (MD) No.2221 of 2021

Dated:

16.04.2021

MSA/CM

AM/29/04/2021/2P/4C

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