



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.168 of 2021

and

C.M.P. (MD) No.3214 of 2021

WEB COPY

A.Florence

... Petitioner

-vs-

J.Christopher Samuel

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer I.D.O.P.No.29 of 2021 pending for disposal on the file of the Principal District Court, Dindigul to the Family Court, Puducherry.

For Petitioner : Mr.P.Arun Jayatram

For Respondent : Mr.A.John Xavier

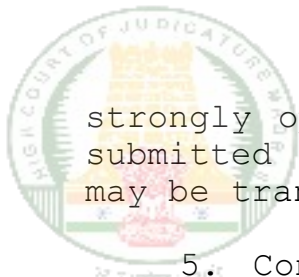
O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer I.D.O.P.No.29 of 2021 pending for disposal on the file of the Principal District Court, Dindigul to the Family Court, Puducherry.

2.The respondent has filed I.D.O.P.No.29 of 2021 before the Principal District Court, Dindigul for restitution of conjugal rights.

3. The learned counsel for the petitioner/wife submitted that the petitioner is residing in Puducherry and she is a house wife and she has no source of income and she is having 2 ½ of years old child. The distance between Dindigul and Puducherry is about 300 kms. The petitioner is not in a position to meet out the travel expenses. In such circumstances, it is difficult for the petitioner to travel from Puducherry to Dindigul for attending the Court hearing in I.D.O.P.No.29 of 2021. Hence, he seeks to transfer the case to the file of Family Court, Puducherry.

4. The learned counsel appearing for the respondent would submit that the respondent is now working at Madurai and if I.D.O.P.No.29 of 2021 is transferred to the file of Family Court, Puducherry, it is difficult for the respondent to travel from Madurai to Puducherry to attend the Court hearings. Therefore, he



strongly opposes to transfer the case. The learned counsel further submitted that if this Court feels to transfer the case, the same may be transferred to any centre place.

5. Considering the arguments made by both sides, this Court feels to transfer the case to the file of Family Court, Villupuram.

6. Accordingly, I.D.O.P.No.29 of 2021 is withdrawn from the Principal District Court, Dindigul and transferred to the file of Family Court, Villupuram, for disposal as per law. The learned Principal District Judge, Dindigul is directed to transmit the papers to the file of the Family Court, Villupuram, forthwith. The learned Judge, Family Court, Villupuram, is directed to dispose I.D.O.P.No.29 of 2021 on merits and in accordance with law as expeditiously as possible.

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

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

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1. The Principal District Judge, Dindigul

2. The Judge, Family Court, Villupuram

Tr.C.M.P. (MD) No.168 of 2021

and

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AS (07.07.2021) 2P 3C