



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN
Tr.C.M.P. (MD) Nos.201, 209 and 210 of 2021

and

C.M.P. (MD) Nos.3838, 4112 and 4113 of 2021

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Tr.C.M.P (MD) No.201 of 2021

Jeyaseeli ... Petitioner/Respondent
-vs-

V.Solomon ... Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the case in I.D.O.P.No.45 of 2021 on the file of the Principal District and Sessions Court, Trichy and transfer the same to the file of Family Court, Sivagangai to be heard and decided along with the merits of I.D.O.P.No.121 of 2020 on the file of Family Court, Sivagangai.

For Petitioner : Mr.A.John Vincent
For Respondent : Mr.A.Mohan

Tr.C.M.P (MD) No.209 of 2021

V.Solomon ... Petitioner/Respondent
-vs-
V.Jeyaseeli ... Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the I.D.O.P.No.121 of 2020 from the file of the Family Court, Sivagangai, to the Principal District Court, Tiruchirappalli.

For Petitioner : Mr.A.Mohan
For Respondent : Mr.A.John Vincent

Tr.C.M.P (MD) No.210 of 2021

V.Solomon ... Petitioner / Respondent
-vs-
V.Jeyaseeli ... Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the M.C.No.16 of 2020 from the file of the Family Court, Sivagangai to the Principal District Court, Tiruchirappalli.

<https://hdservices.mca.gov.in/>



For Petitioner : Mr.A.Mohan
For Respondent : Mr.A.John Vincent

COMMON ORDER

Tr.C.M.P(MD).No.201 of 2021 has been filed to withdraw and transfer the case in I.D.O.P.No.45 of 2021 on the file of the Principal District and Sessions Court, Trichy and transfer the same to the file of Family Court, Sivagangai to be heard and decided along with the merits of I.D.O.P.No.121 of 2020 on the file of Family Court, Sivagangai and Tr.CMP(MD).No.209 of 2021 has been filed to to withdraw and transfer the I.D.O.P.No.121 of 2020 from the file of the Family Court, Sivagangai, to the Principal District Court, Tiruchirappalli and Tr.CMP(MD).No.210 of 2021 has been filed to withdraw and transfer the M.C.No.16 of 2020 from the file of the Family Court, Sivagangai to the Principal District Court, Tiruchirappalli.

2.The respondent/husband in Tr.C.M.P(MD) No.201 of 2021 has filed I.D.O.P.No.45 of 2021 before the Principal District and Sessions Court, Trichy, for restitution of conjugal rights and the petitioner has filed I.D.O.P.No.121 of 2020, before the Family Court, Sivagangai, for divorce and M.C.No.16 of 2020 before the Family Court, Sivagangai, for maintenance.

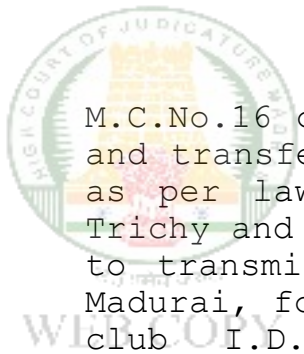
3. The learned counsel for the petitioner/wife in Tr.CMP(MD).No.201 of 2021 submitted that the petitioner is depending on her parents for her day today livelihood and she has no source of income. The distance between Sivagangai and Trichy is nearly 120 kms. In such circumstances, it is very difficult to travel from Sivagangai to Trichy for attending the case in I.D.O.P.No.45 of 2021 before the Principal District and Sessions Court, Trichy. Hence, the petitioner seeks to transfer the case.

4. Per contra, the learned counsel for the respondent/husband Tr.CMP(MD).No.201 of 2021 has strongly objected for transferring the case. The respondent/husband is working at Chennai and it is difficult for him to travel for attending the case at Sivagangai. He would further submit that the reasons stated in the petition filed by the wife are not genuine. If the petitioner/wife attends the court at Trichy, the respondent/husband is ready to bear the cost and therefore, the petition is liable to be dismissed. However, he submitted that if this Court feels to transfer the case, all the cases may be transferred to any other centre place.

5. Considering the submissions made on either side, this Court feels to transfer the case to the file of Family Court, Madurai.

6.Accordingly, I.D.O.P.No.45 of 2021 from the Principal District and Sessions Court, Trichy and I.D.O.P.No.121 of 2020 and

<https://hcservices.ecourts.gov.in/hcservices/>



M.C.No.16 of 2020 from the Family Court, Sivagangai, are withdrawn and transferred to the file of Family Court, Madurai, for disposal as per law. The learned Principal District and Sessions Judge, Trichy and the learned Judge, Family Court, Sivagangai, are directed to transmit the entire papers to the file of the Family Court, Madurai, forthwith. The Judge, Family Court, Madurai, is directed to club I.D.O.P.No.45 of 2021 along with I.D.O.P.No.121 of 2020 and M.C.No.16 of 2020 together and dispose the same on merits and in accordance with law as expeditiously as possible.

7. The personal appearance of both parties before the Family Court, Madurai 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.

8. In fine, these Transfer Civil Miscellaneous Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:

1.The Principal District and Sessions Judge, Trichy.

2.The Judge, Family Court, Sivagangai.

3.The Judge, Family Court, Madurai.

+1 CC to M/s.A.JOHN VINCENT, Advocate (SR-20536[F] dated 29/06/2021

Tr.C.M.P.(MD) Nos.201, 209 and 210 of 2021
and
C.M.P.(MD)Nos.3838, 4112 and 4113 of 2021
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TP(CO)

KB(08.07.2021) 3P 5C