



WEB COPY

TR.CMP(MD).No.181 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR.CMP(MD).No.181 of 2020 and
CMP(MD).No.3369 of 2020

P. Sumithra .. Petitioner /Respondent
Vs.

M. Senthilkumar .. Respondent / Petitioner

Prayer: Transfer CMP filed under Section 24 CPC to withdraw and transfer the proceeding in H.M.O.P.No. 2634 of 2018 pending on the file of the V Additional Principal Judge, Family Court at Chennai to the Family Court at Thirunelveli.

For petitioner : Mr.P. Pethu Rajesh

For respondent : Mr. A. Balasingh Ramanujam

ORDER

The petitioner / wife, who is facing proceedings for divorce, at the instance of the respondent / husband, on the file of Family Court at Chennai in HMOP.No.2634 of 2018, seeks transfer of the same to the file of Family Court, Thirunelveli. Transfer is sought for mainly on the ground of convenience.

2. The petitioner / wife was working in ESI Medical College Hospital at K.K. Nagar, Chennai and now, she has been transferred to the ESI Hospital, Thirunelveli. Claiming that she will put to more inconvenience and she has to travel from Thirunelveli to Chennai for every hearing, she seeks transfer of HMOP pending before the Family Court at Chennai.

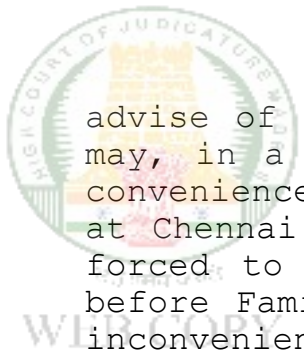
3. The respondent / husband opposes the said request stating that transfer of the spouse is not a valid ground for transfer of the case from one Court to another Court.

4. According to him, if the original petition is transferred to the Family Court, Thirunelveli, he would be forced to appear for each and every hearing before the Family Court.

5. From the orders passed earlier, it is seen that an attempt of rapprochement between the parties made by Hon'ble Judges of this Court had ended in vain.

6. It is also claimed by the respondent / husband that the

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



advise of the Court was also ignored by the wife. Be that as it may, in a proceeding for transfer, this Court has to consider the convenience of both parties. If the proceedings that are pending at Chennai are continued at Chennai, the petitioner / wife will be forced to travel 1400 Kilometers up and down for every hearing, before Family Court. There is no doubt she will be put to lot of inconvenience. On the other hand, if the proceedings are transferred to Family Court, Thirunelveli, the respondent / husband has to travel to Thirunelveli from Chennai and he will put to same hardship of travelling 1400 Kilometers for every hearing. The fact that proceeding before the Family Court requires personal appearance of the parties for every hearing is also to be borne in mind.

7. Considering the above factors, I am of the considered opinion that it is a fit case for transfer to a Sub Court, where the presence of the parties will not be required for every hearing and they can appear for tendering evidence at the trial stage. By transferring HMOP to Sub Court and the inconvenience of both the parties will be largely reduced.

8. In view of the above, the HMOP.No. 2634 of 2018 pending on the file of the Family Court, Chennai is withdrawn and transferred to the file of the Principal Sub Court, Madurai, which has got jurisdiction to deal with the matrimonial matters.

9. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

1. The V Additional Principal Judge,
Family Court at Chennai.
2. The Principal Sub Judge, Madurai.

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-988[F] dated 18/01/2021)

TR.CMP(MD).No.181 of 2020 and
CMP(MD).No.3369 of 2020
18.01.2021

—
smv (CO)

<https://hccs.courts.gov.in/services> 2P 4C