



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P. (MD) No.254 of 2021

and

C.M.P. (MD)No.5018 of 2021

S.K.Jini Mol

... Petitioner/ Respondent

-vs-

D.Kalaiyarasan

... Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the H.M.O.P.No.59 of 2021 on the file of the Family Court, Krishnagiri to be heard and tried on the file of the Family Court, Nagercoil in Kanyakumari District for disposal of the same on merits and in accordance with law.

For Petitioner : Mr.V.H.S.Prathap

For Respondent : Mr.G.Mathavan

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer the H.M.O.P.No.59 of 2021 on the file of the Family Court, Krishnagiri to be heard and tried on the file of the Family Court, Nagercoil in Kanyakumari District for disposal of the same on merits and in accordance with law.

2.The respondent/husband has filed H.M.O.P.No.59 of 2021 before the Family Court, Krishnagiri, for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing at Melangalam, Kanyakumari District and she has no source of income and no one available to accompany with her for attending the Court hearings at Krishnagiri and so far, the respondent has not paid any maintenance to the petitioner. The distance between Kanyakumari and Krishnagiri is nearly 570 kms. In such circumstances, it is difficult for the petitioner to attend the hearing in H.M.O.P.No.59 of 2021 before the Family Court, Krishnagiri. Therefore, he seeks to transfer the case to Nagercoil.

4.The learned counsel for the respondent/husband submitted that the respondent is working in Bangalore and he is the only breadwinner of the family and there is life threat at the hands of the petitioner. If the HMOP is transferred to Family Court, Nagercoil, Kanyakumari District, it is difficult for the respondent



to attend the hearings. Hence, he has strongly opposed to transfer the case.

5.Regarding the life threat, the respondent has not produced any document.

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6.Considering the facts and circumstances of the case and considering the submission made by both counsel, H.M.O.P.No.59 of 2021 is withdrawn from the Family Court, Krishnagiri and transferred to the file of Family Court, Nagercoil, Kanyakumari District, for disposal as per law. The learned Judge, Family Court, Krishnagiri, is directed to transmit the papers to the file of Family Court, Nagercoil, Kanyakumari District, forthwith. The learned Judge, Family Court, Nagercoil, Kanyakumari District, is directed to dispose of the proceedings in H.M.O.P.No.59 of 2021 on merits and in accordance with law as expeditiously as possible.

7.The personal appearance of both parties before the Family Court, Nagercoil, Kanyakumari District, 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 (AE)

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/ /2021

Sub Assistant Registrar(CS)

msa/cp

To:-

- 1.The Judge, Family Court, Krishnagiri.
- 2.The Judge, Family Court,
Nagercoil, Kanyakumari District.

Tr.C.M.P. (MD) No.254 of 2021
and

C.M.P. (MD)No.5018 of 2021
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RD(5.08.2021) 2P 3C