



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P(MD)No.258 of 2021
and
C.M.P(MD)No.5132 of 2021

K.Parameshwari alias Saranya
... Petitioner/1st Respondent

-vs-

1.M.Moovendran
... 1st Respondent/Petitioner

2.Imaiyabalan
... 2nd Respondent/2nd Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code praying this Court to withdraw H.M.O.P.No.36 of 2019 pending on the file of the Family Court, Ramanathapuram and transfer the same to the file of the Family Court, Madurai.

For Petitioner : Mr.C.Srinivasa Raghavan

For R - 1 : Mr.R.Babu Jaganath

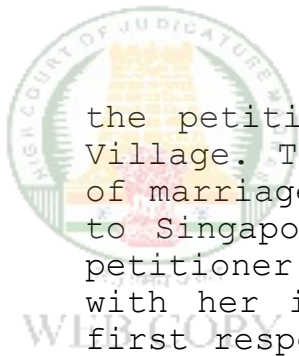
For R - 2 : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the petition in H.M.O.P.No.36 of 2019 on the file of the Family Court, Ramanathapuram and transfer the same to the file of the Family Court, Madurai.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the first respondent was solemnized on 11.04.2016 at Arulmigu Valividu Murugan Temple in Ramanathapuram as per the Hindu customs and practice. Thereafter,



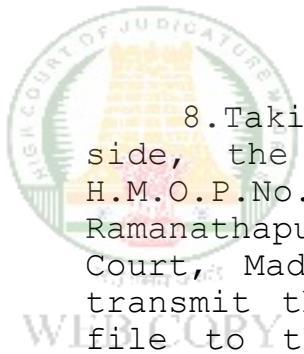
the petitioner was living with the first respondent at Ilamanoor Village. The first respondent was working at Singapore at the time of marriage and he had agreed to take the petitioner along with him to Singapore. However, he had expressed his inability to take the petitioner to Singapore and later when the petitioner was living with her in laws, she was subjected to abuse and harassment. The first respondent and his family members had directed the petitioner that she should arrange for money to go to Singapore. The second respondent, who is the brother-in-law of the petitioner, had agreed to arrange for funds and that the petitioner had stayed in her sister's house and the first respondent has also returned from Singapore and was staying in the petitioner's sister's house. Later, there was a matrimonial discord and the first respondent left the petitioner without maintaining her. The petitioner left with no option went to Chennai in search of job and she secured a job in a private Digital Marketing Company as a Web Designer and due to the prevailing pandemic situation, she is now pursuing her work from her home at Madurai.

4.The learned counsel appearing for the petitioner would further submit that the first respondent, in the mean while, had filed the petition in H.M.O.P.No.26 of 2019 on the file of the Subordinate Court, Ramanathapuram seeking for divorce and later, after the establishment of the Family Court in Ramanathapuram, the case has been transferred and is now pending on the file of the Family Court, Ramanathapuram as H.M.O.P.No.36 of 2019.

5.The learned counsel appearing for the petitioner would further submit that the petitioner had gone to Ramanathapuram to attend the Court and at that time, the first respondent and his Advocate friends have harassed her and created a situation not conducive for conducting the trial before the Ramanathapuram Court. Further, the petitioner also finds it difficult to travel all the way from Madurai to Ramanathapuram to attend the case. Taking into consideration the prevailing situation at Ramanathapuram and also taking into consideration the convenience and comparative hardship, the present petition seeking for transfer has been filed.

6.Per contra, the learned counsel appearing for the first respondent would submit that the petitioner has falsely given a complaint against the first respondent and only in order to delay the proceedings and cause harassment to him, the present petition has been filed.

7.The learned counsel appearing for the first respondent would further submit that the first respondent has no objection to transfer the case from the Family Court, Ramanathapuram to the Family Court, Madurai and he would only pray that a direction may be issued to the learned Judge, Family Court, Madurai to complete the trial as expeditiously as possible.



8.Taking into consideration the submissions made on either side, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.36 of 2019, pending on the file of the Family Court, Ramanathapuram is withdrawn and transferred to the file of Family Court, Madurai. The Family Court, Ramanathapuram is directed to transmit the entire case records in H.M.O.P.No.36 of 2019 on its file to the file of the Family Court, Madurai, forthwith. The learned Judge, Family Court, Madurai is directed to complete the trial and dispose of H.M.O.P.No.36 of 2019 as expeditiously as possible preferably within a period of nine months from the date of receipt of a copy of this order. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps/Indu

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Judge, Family Court, Ramanathapuram.
- 2.The Judge, Family Court, Madurai.
- 3.The Record Keeper, V.R Section,
Madurai Bench of Madras High Court, Madurai.

Copy to:-

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SRINIVASA RAGHAVAN, Advocate (SR-28365[F] dated 07/09/2021)

**Tr.C.M.P(MD)No.258 of 2021 and
C.M.P(MD)No.5132 of 2021
06.09.2021**

RD(25.10.2021) 3P 7C