



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2021

CORAM

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P(MD)No.196 of 2020

and

C.M.P(MD) No.3961 of 2020

Radha

... Petitioner/Respondent

-Vs-

Krishna Moorthy

... Respondent/Petitioner

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P No.571 of 2020, from the file of the Family Court, Thoothukudi and transfer the same to the file of the Subordinate Court, Sivakasi, for disposal of the same on merits and in accordance with law.

For Petitioner : Mr.M.Kannan
For Respondent : Mr.Prabhu Rajadurai

O R D E R

The wife seeks transfer of proceedings for divorce launched by her husband, under Section 13(1)(i b) of Hindu Marriage Act, 1995, on the file of the Family Court, Tuticorin.

2. Transfer is sought for solely on the ground of convenience. Mr.M.Kannan, the learned counsel for the petitioner would submit that Tuticorin is about 150 kms from Sivakasi and the petitioner/wife would be put to considerable inconvenience, if she is to travel to Tuticorin for every hearing, since the proceedings before the Family Court requires the presence of the parties for all hearings. He would also point out that if HMOP is transferred to Sub Court, Sivakasi, the respondent/husband need not appear for every hearing. The inconvenience caused due to transfer will also be very minimum.

3. The learned counsel for the respondent would submit that the father of the petitioner is a very influential person at Sivakasi and the respondent's life will be in endanger, if the case is transferred to Sivakasi. He would also suggest that the



proceedings may be transferred to some intermediate place, where the proceedings will be conducted in a very conducive atmosphere.

4.Considering the claim made by both sides and the request of the learned counsel for the respondent, H.M.O.P No.571 of 2020 is withdrawn from the file of the Family Court, Thoothukudi and transferred to the Subordinate Court, Kovilpatti, which is a intermediate place. The Family Court, Thoothukudi is directed to transmit the papers to the Subordinate Court, Kovilpatti forthwith.

5.Accordingly, this Transfer Civil Miscellaneous Petition is disposed of. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

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

+1 CC to Mr.G.PRABHU RAJADURAI, Advocate (SR-1680[F] dated 21/01/2021)

+1 CC to Mr.M.KANNAN, Advocate (SR-1557[F] dated 21/01/2021)

Order made in
Tr.C.M.P(MD)No.196 of 2020
and
C.M.P(MD) No.3961 of 2020
20.01.2021

KM (10.02.2021) 2P 7C