



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.11.2021**

CORAM

THE HONOURABLE Ms.JUSTICE **P.T.ASHA**

TR.C.M.P. (MD) No.314 of 2021
and
C.M.P. (MD) No.6720 of 2021

Divya

... Petitioner

vs.

R.Vigneshkumar

... Respondent

Prayer:- This Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case on the file of the Family Court, Sivagangai in O.P.No.159 of 2021 and transfer the same to the Family Court, Dindigul.

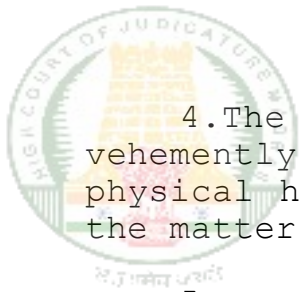
For Petitioner : Mr.M.Moorthy
For Respondent : Mr.N.Tamilmani

ORDER

The above Transfer Civil Miscellaneous is filed by the petitioner/wife seeking transfer of OP.No.159 of 2021 pending on the file of the Family Court, Sivagangai to the file of Family Court, Dindigul.

2.It is the case of the petitioner that she had married the respondent on 28.01.2018 and they have been blessed with a son, namely, Sarvesh, who was born on 13.09.2019. However, the respondent/husband did not treat her and her child well and therefore, she had to leave her matrimonial home. At present, she is living with her parents at Dindigul.

3.She would submit that her life is in great danger, if she had to travel to Sivagangai to attend the hearings, since her husband is an influential person and she is very apprehensive in travelling to Sivagangai to attend the hearings. That apart, the distance between her home and the Court at Sivagangai is nearly 125 kms. The presence of the parties is required for every hearings in the Family Court, Sivagangai. Her son is just aged about 4 years and this was also the reason for seeking transfer to the Family Court, Dindigul, since the Family Court, Dindigul is also having jurisdiction to hear the matter.



4.The learned counsel on behalf of the respondent/husband vehemently opposed to transfer stating that his client apprehends physical harm, if he is made to travel to Dindigul and therefore, the matter may be retained at the Family Court at Sivagangai.

5.Heard the learned counsel and perused the records.

6.The petitioner is residing at Dindigul in her parental home. She is also taking care of her child, who is just 4 years old. The presence of the parties is essential before the Family Court. The distance from the petitioner's home to Sivagangai is about 125 kms and it is difficult for a single woman to travel this distance for every hearing. On the contrary, the respondent is not facing the similar problem. Therefore, in the interest of not only the petitioner but also the child, the proceedings now pending before the Family Court, Sivagangai needs to be transferred to the Family Court, Dindigul.

7.In the above circumstances, this Transfer Civil Miscellaneous Petition is allowed and the petition in OP.No.159 of 2021 pending on the file of the Family Court, Sivagangai is ordered to be withdrawn and transferred to the file of Family Court, Dindigul. The learned Judge, Family Court, Sivagangai is directed to transmit the entire records of OP.No.159 of 2021 to the Family Court, Dindigul, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mm

To

1.The Judge,
Family Court, Sivagangai.

2.The Judge,
Family Court, Dindigul.

+1 CC to M/s.N.TAMILMANI, Advocate (SR-33898[F] dated 10/11/2021)

TR.C.M.P. (MD) No.314 of 2021

09.11.2021

RS (30.11.2021) 2P 4C

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