



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.337 of 2021

and

C.M.P. (MD) No.6933 of 2021

WEB COPY

M.Abisha .. Petitioner/Petitioner
-vs-
Ragunath .. Respondent/Respondent

Prayer :- Petition filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.191 of 2021 on the file of the learned Family Judge's Court, Tirunelveli, and to transfer the same case to the Family Judge's Court at Nagercoil for further proceedings.

For Petitioner : Ms.L.Victoria Gowri
For Respondent : Mr.M.Karthikeya Venkatachalapathy

ORDER

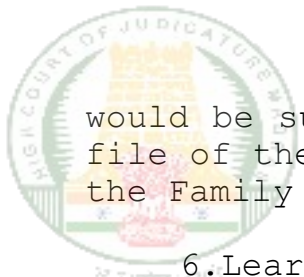
The petitioner/wife has filed this transfer petition to transfer the petition for divorce filed by her husband in H.M.O.P.No.191 of 2021 on the file of the Family Court, Tirunelveli to the file of the Family Court at Nagercoil.

2.The petitioner and the respondent's marriage on 17.03.2019 had met with rough weather and ultimately they had parted ways.

3.The petitioner would submit that though initially it was smooth sailing, thereafter, the interference of her in-laws resulted in a rift between herself and the respondent herein. The petitioner would submit that her in-laws were demanding dowry, which was the cause for the heartburn. The petitioner has filed a petition under the provisions of the Protection of Women from Domestic Violence Act, 2005 and the proceedings are pending before the Judicial Magistrate, Bhoothapandy in D.V.C.No.4 of 2021. She would submit that it would be very difficult for her to travel all the way to Tirunelveli Family Court, as her presence is necessary for every hearing. She would submit that she is already dependent on her parents for her day-to-day expenses added to which, they may have to met the expenses for travel to attend the case at the Family Court, Tirunelveli. Therefore, she sought for a transfer.

4.Heard the learned counsel and perused the records.

5.Admittedly, the petitioner herein had instituted proceedings under the Domestic Violence Act prior to the filing of the divorce petition by her husband. Therefore, the respondent is attending Court at Bhoothapandy. In these circumstances, ends of justice



would be subverted, if H.M.O.P.No.191 of 2021 is withdrawn from the file of the Family Court, Tirunelveli and transferred to the file of the Family Court, Nagercoil.

6.Learned counsel for the respondent requests that the presence of the respondent may be dispensed with.

7.Considering the request made by the learned counsel for the respondent, the presence of the respondent for every hearing at the Family Court, Nagercoil is dispensed with and he shall be present at the time of adducing evidence.

8.The Transfer Civil Miscellaneous Petition is allowed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

abr

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, Tirunelveli.

2.The Judge,
Family Court, Nagercoil.

+1 CC to M/s.M. KARTHIKEYAVENKITACHALAPATHY, Advocate (SR-36086[F] dated 26/11/2021)

Tr.C.M.P. (MD) No.337 of 2021

Dated: 25.11.2021

NSN(CO)

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