



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Tr.C.M.P. (MD) No.360 of 2021

and

C.M.P(MD) No.7269 of 2021

Usha Vaishnavi

... Petitioner/Respondent

Vs.

Rajavarman

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the HMOP No.44 of 2020 on the file of the Family Court, Thanjavur and transfer the same to the Family Court, Tirunelveli.

For Petitioner : Mr.V.Thirumal

For Respondent : Mr. N.Mohideen Basha
for Mr. J. Jeyakumaran

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP No.44 of 2020 on the file of the Family Court, Thanjavur and transfer the same to the Family Court, Tirunelveli.

2. The learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 21.01.2018 at Pragathamani Marriage Hall and out of the wedlock the petitioner was blessed with the child aged about 2 1/2 years now. The petitioner is working as a Engineer in PWD Department and got health ailments and that she has also filed HMOP No.212 of 2020 on the file of the Family Court, Tirunelveli seeking for restitution of conjugal rights, thereby the present petition has been filed seeking for transfer of HMOP No.44 of 2020 on the file of the Family Court, Thanjavur to be tried along with HMOP No. 212 of 2020 on the file of the Family Court, Tirunelveli. The learned counsel would further submit that in similar circumstances, the Hon'ble Apex Court taking into consideration the convenience and the comparative hardship faced by the petitioner/wife had directed to transfer the cases to be tried in Courts near to the petitioner. Thereby, he seeks for transfer.

3. The learned counsel for the respondent would submit that petitioner and her relatives are very influential persons in Tirunelveli and the respondent apprehends that if he goes to attend the hearing in Tirunelveli, he will be harassed. However, he would



submit that he has no objection in the case being transferred to the file of the Family Court, Madurai.

4.Considering the facts and circumstances of the case and also considering the submission made by the learned counsel appearing on either sides H.M.O.P. No.44 of 2020 is withdrawn from the file of Family Court, Thanjavur and HMOP No. 212 of 2020 is withdrawn from the file of the Family Court, Tirunelveli and both the cases are transferred to the file of the Family Court, Madurai for disposal as per law. The Family Court, Thanjavur and the Family Court, Tirunelveli are directed to transmit the papers to the file of the Family Court, Madurai forthwith. The Family Court, Madurai is directed to dispose H.M.O.P. No. 44 of 2020 (transferred from the file of the Family Court, Thanjavur) and HMOP No. 212 of 2020 (transferred from the file of the Family Court, Tirunelveli) on merits and in accordance with law as expeditiously as possible.

6.In the result, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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, Madurai
2. The Judge, Family Court, Thanjavur
3. The Judge, Family Court, Tirunelveli

+1 CC to M/s.V.THIRUMAL, Advocate (SR-32804[F] dated 27/10/2021)

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SRK(CO)

TR/JGP(16.11.2021) 2P 5C