



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Tr.C.M.P. (MD)No.325 of 2020

and

C.M.P. (MD)No.7255 of 2020

Kiran Nisha

... Petitioner/Respondent

versus

D.Hussainkhan

... Respondent/Petitioner

Transfer Petition filed under Section 24 of C.P.C. seeking to withdraw G.W.O.P.No.114 of 2020 on the file of the VI Additional District Sessions Court, Tenkasi and transfer the same to the Family Court, Madurai.

For Petitioner : Mr.L.Prabhu

For Respondent : Mr.M.Mohamed Azees Dheen

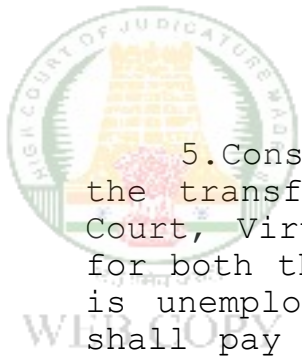
ORDER

The petitioner/wife seeks transfer of G.W.O.P.No.114 of 2020, pending on the file of the VI Additional District Sessions Court, Tenkasi, to the Family Court, Madurai.

2.The transfer is sought for on the sole ground of convenience.

3.The request for transfer is opposed by the husband, contending that it is a case where the wife had given Kulla to the husband and deserted the family home, leaving the child in the custody of her parents and her parents had handed over the custody of the child to the father of the child, namely, the respondent herein.

4.The learned counsel for the husband would also point out that the wife had attempted to take illegal custody of the child through Police. The learned counsel would also contend that transfer of G.W.O.P.No.114 of 2020 to the Family Court, Madurai, would result in undue hardship to him, if he is forced to appear for every hearing before the Family Court, Madurai. He would therefore request that G.W.O.P.No.114 of 2020 pending on the file of the Family Court, Tenkasi, may be transferred to neutral venue in between Madurai and Tenkasi.



5.Considering over all circumstances, I am of the opinion that the transfer of G.W.O.P.No.114 of 2020 to the Principal District Court, Virudhunagar at Srivilliputhur would be just and convenient for both the parties. However, considering the fact that the wife is unemployed and she is not being paid maintenance, the husband shall pay a sum of Rs.2,000/- (Rupees two thousand only) towards travelling expenses for every effective hearing, where she appears before the Principal District Court, Srivilliputhur. The Principal District Court, Srivilliputhur is directed to dispose of G.W.O.P.No.114 of 2020, within six months from the date of receipt of records.

6.With the above direction, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(AD-II)

/True copy/

/ /2021
Sub Assistant Registrar(CS-)

To

1.The VI Additional District Sessions Court,
Tenkasi.

2.The Principal District Court,
Virudhunagar at Srivilliputhur

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

+1 CC to Mr.M.MOHAMED AJEES DHEEN, Advocate SR-4155[F] dated 10/02/2021

+1 CC to Mr.L.PRABU, Advocate (SR-4330[F] dated 10/02/2021)

Tr.C.M.P. (MD) No.325 of 2020
and
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PK/16.02.2021 : 2P/6C