



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.403 of 2021

and

C.M.P. (MD) No.7861 of 2021

A.R.Shameema Bhanu

.. Petitioner/Respondent

-vs-

S.Ramish Raja

.. Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure to withdraw and transfer the pending suit in O.S.No.249 of 2021 from the file of the learned Principal District Munsiff Court, Thirunelveli to the file of the District Munsiff Court, Nagercoil or any other competent court.

For Petitioner

: Mr.G.Cenil

For Respondent

: Mr.K.Chengizkhan

ORDER

The petitioner/wife, who is the respondent in the suit in O.S.No.249 of 2021, pending on the file of the Principal District Munsiff Court, Thirunelveli, is before this Court seeking transfer of the above proceedings from the file of the Principal District Munsiff, Thirunelveli to the file of the District Munsiff at Nagercoil.

2.The basis of seeking the transfer is that the petitioner is all alone with a two year old child and without any assistance, she is unable to travel the distance from Thuckalay, where she lives to Thirunelveli, which is more than 100 kms. She would submit that the present suit has been filed to dissolve the marriage between her and the respondent herein.

3.The learned counsel appearing for the respondent would submit that there is no necessity to transfer the suit, since the matter is pending before the Principal District Munsiff, Thirunelveli where the presence of the petitioner for every hearing is not required and therefore, this petition may be dismissed.

4.Heard the learned counsel on either side and perused the records.



5.The respondent herein has filed the suit in O.S.No.249 of 2021 to dissolve the marriage with the petitioner. The petitioner, admittedly, is living alone with her minor child and at her mother's house where they have no male assistance. She would have to travel over 100 kms to attend the hearing. Therefore, the interest of both parties would be safeguarded, if the matter be transferred to the file of the District Munsiff at Nagercoil.

6.In the result, Tr.C.M.P.(MD) No.403 of 2021 is allowed. The suit in O.S.No.249 of 2021 pending on the file of the Principal District Munsiff, Thirunelveli is withdrawn and transferred to the file of the District Munsiff, Nagercoil. The learned Principal District Munsiff, Thirunelveli is directed to transfer all the papers at the earliest to the file of the District Munsiff, Nagercoil. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

abr

To

1.The Principal District Munsiff Court,
Thirunelveli.

2.The District Munsiff Court, Nagercoil.

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.

+1 CC to M/s.G.CENIL, Advocate (SR-34171[F]
dated 11/11/2021)

Tr.C.M.P.(MD) No.403 of 2021

Dated: 09.11.2021

KMV(CO)

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