



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2022

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.295 of 2020

and

C.M.P. (MD) No.6453 of 2020

Esther ... Petitioner/Respondent
-vs-
Rubin ... Respondent/Petitioner

Prayer :- Petition filed under Section 24 of Code of Civil Procedure, to withdraw and transfer the D.O.P.No.12 of 2019 on the file of the Principal District Judge, Ramanathapuram, Ramanathapuram District to be tried along with D.O.P.No.342 of 2020 on the file of the Family Court, Thoothukudi, Thoothukudi District.

For Petitioner : Mr.Sureshkannan
for Mr.A.Thiruvadi Kumar
For Respondent : No appearance

ORDER

The respondent / wife is the petitioner before this Court seeking to transfer D.O.P.No.12 of 2019 filed by the respondent / husband for divorce pending on the file of the learned Principal District Judge, Ramanathapuram, to the Family Court, Thoothukudi, where the proceedings filed by the petitioner / wife for restitution of conjugal rights is pending.

2.The reasons for seeking transfer is that the respondent / husband has not taken any steps to maintain the wife and give her monthly maintenance. She is now dependent entirely on her parents and since she is residing at Tuticorin, it would be difficult for her to travel to Ramanathapuram for the hearings. Further it is impossible for her to travel alone and she has to be accompanied by some one, which would result in an additional expenditure. That apart, the respondent is employed at Saudi Arabia and the petitioner has also initiated the proceedings for restitution of conjugal rights in D.O.P.No.342 of 2020, which is now pending before the Family Court at Thoothukudi.

3.The respondent though served has not entered appearance. Heard the learned counsel for the petitioner and perused the records.

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



4. Taking into account the above circumstances, this Court is of the view that the transfer civil miscellaneous petition has to be ordered. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the petition in D.O.P.No.12 of 2019 pending on the file of the Principal District Judge, Ramanathapuram, Ramanathapuram District, is withdrawn and transferred to the file of the Family Court, Thoothukudi, Thoothukudi District, to be heard along with D.O.P.No.342 of 2020. Considering the fact the respondent/husband is employed at Saudi Arabia, his presence for all hearings may be dispensed with, except when evidence is required to be given. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Cp

To

1. The Principal District Judge,
Ramanathapuram,
Ramanathapuram District.

2. The Judge,
Family Court,
Thoothukudi,
Thoothukudi District.

+1 CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-853[F] dated 07/01/2022

+1 CC to M/s.K.VEILMUTHU, Advocate (SR-1170[F] dated 11/01/2022)

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.

Tr.C.M.P. (MD) No.295 of 2020

and

C.M.P. (MD) No.6453 of 2020

Dated: 07.01.2022

MA (CO)

KB(08.02.2022) 2P 5C