



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Tr.C.M.P. (MD) No.491 of 2021
and
C.M.P. (MD) No.9150 of 2021

Mari Esakki .. Petitioner/Respondent

-vs-

Ganesan .. Respondent/Petitioner

Prayer :- Petition filed under Section 24 Civil Procedure Code to withdraw H.M.O.P.No.45 of 2021 on the file of Sub Court, Valliyur and to transfer the same to Family Court, Thoothukudi or to any other competent court having jurisdiction at Madurai.

For Petitioner : Mr.M.S.Parthiban

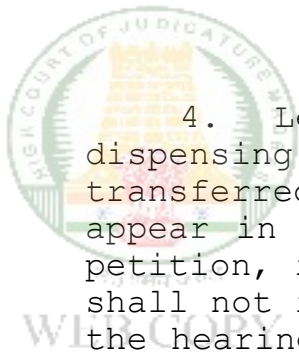
For Respondent : Mr.R.M.Suresh

ORDER

The wife has filed this petition seeking transfer of the proceedings for divorce filed by her husband/the respondent herein on the file of the Sub Court, Valliyur to the file of the Family Court, Thoothukudi.

2. The petitioner has approached this Court for transfer on the ground that the respondent/husband has not been maintaining her and her one year old son and that it is her father, who is taking care of her every need. In these circumstances, it would be harsh to direct the petitioner to travel all the way to Valliyur to attend the divorce proceedings initiated by the husband. That apart, she has a one year old child.

3. In the above given circumstances, I am of the view that the transfer, as sought for, should be allowed and also I am compelled to order transfer since the respondent has not been maintaining the petitioner or her minor son. Therefore, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.45 of 2021 is withdrawn from the file of the Sub Court, Valliyur and transferred to the file of the Family Court, Thoothukudi.



4. Learned counsel for the respondent had sought for dispensing with the respondent's presence, since the matter once transferred to the Family Court, it is imperative that parties appear in person before the Court. Therefore, while allowing this petition, it is made clear that the Family Court Judge, Thoothukudi, shall not insist upon the presence of the respondent/husband for all the hearing except for adducing evidence. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

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 Sub Judge, Valliyur,
Tirunelveli District.
- 2.The Judge,
Family Court, Thoothukudi.

Tr.C.M.P.(MD) No.491 of 2021

Dated: 27.01.2022

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