



WEB COPY

Tr CMP (MD) No. 81 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.81 of 2023

and

C.M.P.(MD) No.1928 of 2023

Jessieka

... Petitioner/Respondent

-VS-

E.Noble Kennedy

... Respondent/ Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw I.D.O.P.No.264 of 2022 on the file of the Principal District Court Vellore and transfer the same to Family Court, Kanyakumari or any other District Court in Kanyakumari District.

For Petitioner : Mr.A.Balakrishnan

For Respondent : Mr.M.Karthick

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in I.D.O.P.No.264 of 2022 pending on the file of Principal District Court Vellore, and transfer the same to Family Court, Kanyakumari or any other District Court in Kanyakumari District.



Tr CMP (MD) No. 81 of 2023

WEB COPY

2. The Court records indicates that the marriage between the petitioner and the respondent solemnized on 01.06.2022. According to the respondent, the petitioner deserted the respondent on 06.06.2022 and that the marriage between the petitioner and the respondent is not at all consummated.

3. The learned counsel for the petitioner/wife submitted that the respondent has filed I.D.O.P.No.264 of 2022 and the same is pending before the Principal District Court Vellore. The petitioner is residing at Kanyakumari with her parents and she has no source of income. The distance between Kanyakumari and vellore is nearly 700 kms. In this circumstance, it is difficult for the petitioner to travel from Kanyakumari to Vellore for attending the Court proceedings in I.D.O.P.No. 264 of 2022. Hence, he prays to transfer the case to Kanyakumari.

4.The learned counsel for the respondent submits that the petitioner's parents are influential persons. They have already made life threat to the respondent and his family members with their henchmen. Regarding to the same, police complaint also filed. Therefore, the petition filed by the petitioner may be dismissed.



Tr CMP (MD) No. 81 of 2023

WEB COPY

5. There are no records to substantiate that a private complaint has been lodged by the respondent against the petitioner's parents. Be that as it may, the petitioner is not employed and depends on her parents. This Court is therefore inclined to transfer I.D.O.P.No.264 of 2022 from Principal District Court Vellore to Family Court, Kanyakumari. However, the physical presence of the respondent, who is the petitioner in I.D.O.P.No.264 of 2022 shall be dispensed with for routine hearing. The respondent shall however appear before the Family Court, Kanyakumari, as and when the Court directs the respondent to appear before the Court. In case, if there is any threat to the life of the respondent, it is always open for the respondent to approach the concerned jurisdictional Court or Police Station in Kanyakumari for protection.

6. With the above observation, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

30.03.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
dss



WEB COPY



Tr CMP (MD) No. 81 of 2023

C.SARAVANAN, J.

dss

To:

1. The Principal District Court Vellore.
2. The Family Court, Kanyakumari.

Order made in
Tr.C.M.P.(MD) No.81 of 2023
and
C.M.P.(MD) No.1928 of 2023

30.03.2023



WEB COPY



Tr CMP (MD) No. 81 of 2023