



WEB COPY

Tr CMP (MD) No. 92 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.92 of 2023

and

C.M.P.(MD) No.2310 of 2023

D.Jenifer ... Petitioner/Petitioner/Respondent

-VS-

John Moses ... Respondent/Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the I.D.O.P.No.253 of 2022 on the file of the Principal District Court, Tiruvallur and transfer the same to the Family Court, Thoothukudi.

For Petitioner : Mr.S.Ramasamy

For Respondent : Mr.S.Pandiyaraj

ORDER

The present Transfer Civil Miscellaneous Petition is filed to transfer the case in I.D.O.P.No.253 of 2022 pending on the file of Principal District Court, Tiruvallur, to the file of Family Court, Thoothukudi.



Tr CMP (MD) No. 92 of 2023

WEB COPY

2.The marriage was solemnized between the petitioner and the respondent on 28.05.2020 at Thoothukudi. Thereafter, differences arises between the parties. Hence, the petitioner has filed DVC.No.40 of 2022 before the learned Judicial Magistrate No.I, Thoothukudi. In turn, the respondent has also filed IDOP.No.253 of 2022 before the Principal District Court, Tiruvallur.

3.The learned counsel for the petitioner/wife submitted that the petitioner has filed IDOP.No.253 of 2022 and the same is pending before the Principal District Court, Tiruvallur. The petitioner is residing at Thoothukudi District, with her parents and studying B.E., 4th year at Mother Therasa Engineering College, Vagaikulam. The distance between Thoothukudi and Tiruvallur is nearly 620 kms. In this circumstance, it is difficult for the petitioner to travel from Thoothukudi to Tiruvallur for attending the Court proceedings in IDOP.No.253 of 2022. Further, the respondent has also appeared and conducting the case in the said DVC.No.40 of 2022. Hence, he prays to transfer the case to Thoothukudi.

4.The learned counsel for the respondent submits that the said DVC.No.40 of 2022 was partly allowed by the learned Judicial Magistrate No.I, Thoothukudi.



Tr CMP (MD) No. 92 of 2023

WEB COPY

If the case is transferred to Thoothukudi, there is a life threat to the respondent.

Hence, the case may be transferred to some other neutral location.

5.I have considered the argument advanced by the learned counsel for the petitioner and the learned counsel for the respondent. The petitioner has made a case for transfer of IDOP.No.253 of 2022 pending on the file of the Principal District Court, Tiruvallur.

6.Thus, I.D.O.P.No.253 of 2022 pending on the file of Principal District Court, Tiruvallur, is transferred to Family Court, Thoothukudi. The Family Court, Thoothukudi, shall endeavour to bring closure to the dispute between the parties within a period of 12 months from the date of receipt of a copy of this order.

7.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. 92 of 2023

C.SARAVANAN, J.

dss

To:

1. The Principal District Court, Tiruvallur.
2. The Family Court, Thoothukudi.

Order made in
Tr.C.M.P.(MD) No.92 of 2023
and
C.M.P.(MD) No.2310 of 2023

Dated:

30.03.2023