

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2023

CORAM

**THE HONOURABLE MR.JUSTICE C.SARAVANAN**

Tr.C.M.P.(MD)No.109 of 2023

and

C.M.P.(MD)No.2481 of 2023

Nagajothi @ Vithya, D/o.Jeyaramar

.. Petitioner

Versus

Ringu @ Rajesh, S/o.Late.Kannathasan

.. Respondent

**Prayer :-** Petition filed under Section 24 of C.P.C., to withdraw the case in H.M.O.P.No.1 of 2023, on the file of the Family Court, Ramanathapuram District, and transfer to the Family Court, Tirunelveli District.

For Petitioner : Ms.R.Nandhini Geetha

For Respondent : No Appearance

**ORDER**

This Petition has been filed to withdraw the case in H.M.O.P.No.1 of 2023, on the file of the Family Court, Ramanathapuram District, and transfer to the Family Court, Tirunelveli District.

2. Today, when the matter is taken up for hearing, there is no representation on behalf of the respondent, despite service of notice on him and his name is also printed in the cause list.

3. It appears that the petitioner has instituted proceedings against the respondent and her in-laws under Section 12 of the Domestic Violence Act in D.V.C.No.62 of 2022, which is pending before the Judicial Magistrate Court No.I, Tirunelveli. Apart from the above, the petitioner has also instituted M.C.No.65 of 2022, for maintenance before the Family Court, Tirunelveli. The petitioner has given the following reasons for transfer of H.M.O.P.No.1 of 2023, from the Family Court, Ramanathapuram District, to the Family Court, Tirunelveli District.

*"6. I respectfully submit that in fact, Ramanathapuram is situated about 115 km. away from my house situated at Tirunelveli. It is very difficult to travel 8 hours up and down within a day along with my child and if I went to Ramanathapuram only during midnight I can return to my home. Moreover, I am unable to meet our daily family expenses itself and because of my poor situation. Hence, in the interest of justice, it is just and necessary to withdraw H.M.O.P.No.1 of 2023, on the file of the Family Court, Ramanathapuram District, and transfer to the Family Court, Tirunelveli District."*

4. Being satisfied with the reasons stated in the Transfer Civil Miscellaneous Petition, this Court is inclined to allow this Petition, by directing transfer of

H.M.O.P.No.1 of 2023, pending on the file of the Family Court, Ramanathapuram, to the file of Family Court, Tirunelveli District, to be tried along with M.C.No.65 of 2022, filed by the petitioner herein against the respondent.

5. This Transfer Civil Miscellaneous Petition stands allowed with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes/No  
Index : Yes/No  
Internet : Yes/No  
smn2

03.04.2023

To

1.The Judge,  
Family Court,  
Ramanathapuram District.

2.The Judge,  
Family Court,  
Tirunelveli District.

Tr.C.M.P.(MD)No.109 of 2023

**C.SARAVANAN, J.**

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Order made in  
Tr.C.M.P.(MD)No.109 of 2023

03.04.2023