



Tr.C.M.P(MD)No.135 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2023

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.135 of 2023

and

C.M.P(MD)No.3086 of 2023

S.Monica

...Petitioner/
Respondent

Vs.

V.Ruthrabathi

...Respondent/
Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 read with 151 of Code of Civil Procedure, to withdraw the case on the file of the Family Court, Chengalpattu in F.C.O.P.No.352 of 2022 and transfer the same to the Sub Court, Aruppukottai.

For Petitioner : Mr.B.Anandan

For Respondent : No Appearance

ORDER

The present transfer civil miscellaneous petition has been filed to transfer F.C.O.P.No.352 of 2022 from the file of the Family Court, Chengalpattu to the file of the Sub Court, Aruppukottai.



WEB COPY



Tr.C.M.P(MD)No.135 of 2023

2. Though the respondent has been served, there is no appearance either in person or through counsel. The name of the respondent is also printed in the cause list.

3. The petitioner in her affidavit filed in support of the petition stated as follows:

" 7. I submit that at present I am residing in my parental home at Kumbakonam with my 2 years old female child. Further in view of the settled proposition in Section 19 (iii-a) of Hindu Marriage Act, the matrimonial dispute should be in the place where a female resides. Moreover, I state that I am entitled for constitutional guarantee under Article 15(3) r/w Article 39 of Constitution of India.

8. I am advised of fair chances of success in the above Tr.Cmp. If pending disposal of the above Tr.CMP., all further proceedings in FCOP.No.352 of 2022, pending on the file of the learned Family Court Judge, Chengalpattu are not stayed, I will be put to untold hardship and irreparable loss. On the other hand, no prejudice would be caused to the respondent. The balance of convenience is only in my favour."

4. Considering the above, I am inclined to allow the present Transfer Civil Miscellaneous Petition. Thus, the present Transfer Civil Miscellaneous Petition stands allowed by transferring F.C.O.P.No.352 of 2022 from the file of the Family Court, Chengalpattu to the file of the



Tr.C.M.P(MD)No.135 of 2023

Sub Court, Aruppukottai. No costs. Consequently, connected miscellaneous petition is closed.

12.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
sn

To

- 1.The Family Court, Chengalpattu.
- 2.The Sub Court, Aruppukottai.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Tr.C.M.P(MD)No.135 of 2023

C.SARAVANAN ,J.

SN

Tr.C.M.P(MD)No.135 of 2023

12.04.2023