



Tr CMP (MD) No.315 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.315 of 2022

and

C.M.P.(MD)No.5264 of 2022

J.Sahaya Premi Sunitha

... Petitioner/Respondent

-VS-

C.David Leon

... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in I.D.O.P.No.63 of 2022 pending on the file of the learned Principal District Court, Tirunelveli and to transfer the same to the learned Family Court, Nagercoil, Kanyakumari District.

For Petitioner : Mr.L.George Paul Anto

For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of Principal District Court, Tirunelveli in I.D.O.P. No.63 of 2022 and transfer the same to the Family Court, Nagercoil, Kanyakumari District.

2.Despite notice being served through Court and privately on the



Tr CMP (MD) No.315 of 2023

respondent and the name being printed in the cause list, there is no representation on behalf of the respondent either in person or through counsel.

3.Paragraph 6 to 9 of the affidavit reads as under:-

“6..... I humbly submit that myself and children were not taken care by the respondent and I was forcibly sent away from the matrimonial home and all my gold jewels are within the hands of the respondent. The respondent suppressing all the facts has filed the divorce petition.

7..... I humbly submit that I am residing with my parents along with my children in Azhagappapuram, Kanyakumari District. The Respondent has filed the I.D.O.P. Before the learned Principal District Court, Tirunelveli, which is nearly 80 kms away from my parental home.

8..... I humbly submit that the maintenance case in M.C.No.24 of 2022 is pending before the learned Family Court, Nagercoil, Kanyakumari District and I am residing in Azhagappapuram, Kanyakumari District. Being a lady and without any support of family members, it would be hardship for me to travel alone to Tirunelveli from Azhagappapuram, Kanyakumari District.

9..... Hence, it is just and necessary that this Hon'ble Court may be pleased to withdraw the case in I.D.O.P.No.63 of 2022 on the file of the learned Principal District Court, Tirunelveli and to transfer the same to the learned Family Court, Nagercoil, Kanyakumari District.”

4. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this Court is inclined to allow this petition. Hence, I.D.O.P. No.63 of 2022 is transferred from the file of Principal District Court, Tirunelveli to



Tr CMP (MD) No.315 of 2023

Family Court, Nagercoil, Kanyakumari District. The learned Judge, Family Court, shall endeavour to complete the proceedings preferably within a period of 12 months from the date of receipt of copy of this order.

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

21.06.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
Mrn

To:

1. The Judge, Family Court,
Nagercoil, Kanyakumari District.
2. The Principal Subordinate Judge,
Tirunelveli.



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Tr CMP (MD) No.315 of 2023

C.SARAVANAN, J.

Mrn

Order made in
Tr.C.M.P.(MD) No.315 of 2022

Dated:

21.06.2023