



Tr.C.M.P(MD)No.284 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P(MD)No.284 of 2023

and

C.M.P(MD)No.6567 of 2023

Raja Vignesh

...Petitioner/Respondent

Vs.

Revathi

...Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw and transfer the above H.M.O.P.No.154 of 2023 from the learned Family Court, Thoothukudi to the Family Court, Chennai.

For Petitioner : Mr.R.Varadharajan

ORDER

The present transfer civil miscellaneous petition has been filed to transfer H.M.O.P.No.154 of 2023 from the file of the Family Court, Thoothukudi to the file of the Family Court, Chennai.



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2. The petitioner is the respondent in H.M.O.P.No.154 of 2023 before the Family Court, Thoothukudi. H.M.O.P.No.154 of 2023 was filed by the respondent to dissolve the marriage solemnised between the petitioner and the respondent.

3. The respondent has also filed M.C.No.19 of 2023 for interim maintenance under Section 24 of the Hindu Marriage Act, 1955. The petitioner has filed this transfer civil miscellaneous petition to transfer H.M.O.P.No.154 of 2023 from the Family Court, Thoothukudi to Family Court, Chennai as the petitioner is employed with Renault Nisan Technology and Business, Ascendas Mohindra IT Park, Mahindra World City, Natham Sub-Post, Chengalpattu, Chennai.

4. In the affidavit filed in support of the petition, the petitioner has stated that the distance between Chennai and Thoothukudi is more than 700 kilometres and therefore, the petitioner has to travel 1400 kilometers for every hearing. That apart, the petitioner's parents are suffering from various ailments and they did not have any assistance expect the petitioner. In this connection, the learned counsel for the petitioner has also filed copies of the medical reports of the petitioner's parents, who are suffering from various ailments.



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5. I have considered the arguments advanced by the learned counsel for the petitioner.

6. The present transfer civil miscellaneous petition cannot be allowed merely because the petitioner is employed in Chennai particularly when the respondent is unemployed. Further, the respondent depends on her parents and her siblings for maintaining herself. The respondent cannot be burdened to travel to Chennai from Thoothukudi in connection with the case filed by her. As such there is no point in forcing the respondent to travel to Chennai to prosecute H.M.O.P.No.154 of 2023 and in M.C.No.19 of 2023.

7. The present Transfer Civil Miscellaneous Petition is liable to be dismissed. It stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

07.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

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1. The Family Court,
Thoothukudi.
2. The Family Court,
Chennai.
3. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN ,J.

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