



Tr.C.M.P(MD)No.522 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.02.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Tr.C.M.P(MD)No.522 of 2022

and

C.M.P(MD)No.8183 of 2022

Sweety Julia

... Petitioner/Respondent

Vs.

Sam Livingstone

...Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure, to withdraw and transfer the Divorce Petition filed by the respondent in I.D.O.P.No.158 of 2022 pending on the file of the Principal District Court, Thoothukudi to the Family Court, Tirunelveli.

For Petitioner : M/s.D.Deepamathi

For Respondent : Mr.K.A.Ramakrishnan

ORDER

The present transfer civil miscellaneous petition has been filed by the wife seeking to transfer I.D.O.P.No.158 of 2022 pending on the file of the Principal District Court, Thoothukudi to the Family Court, Tirunelveli.



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2. According to the learned counsel for the petitioner/wife, the wife is residing at Tirunelveli along with the parents and with 2 and ½ year old child. She finds it difficult to travel on every occasion to attend hearings in Principal District Court, Thoothukudi.

3. The learned counsel for the respondent/husband contended that the petitioner is residing at Thisayanvilai which is very nearer to Thoothukudi. He further contended that the learned Principal District Judge is not insisting upon the personal appearance. Hence, a request for transfer to Family Court, Tirunelveli may not be considered.

4. I have carefully considered the submissions made on either side.

5. The petitioner has contended that she is residing with her parents and 2 and ½ year child. Therefore, this Court is inclined to withdraw I.D.O.P.No.158 of 2022 pending on the file of the Principal District Court, Thoothukudi and the same is transferred to Principal District Court, Tirunelveli. The learned Principal District Judge, Tirunelveli shall not insist upon the personal appearance of the husband, unless it is compulsorily required.



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6. With the above said observations, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

22.02.2023

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

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To

- 1.The Principal District Court,
Thoothukudi.
- 2.The Principal District Court,
Tirunelveli.
- 3.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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