



Tr.C.M.P.(MD)No.627 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Tr.C.M.P.(MD)No.627 of 2023

and

C.M.P.(MD)No.13994 of 2023

Sindhu

... Petitioner/
Respondent

Vs.

Muthukumar

... Respondent/
Petitioner

Prayer : This Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C., to withdraw the case in I.D.O.P.No.919 of 2022 on the file of Family Court, Nagercoil, Kanyakumari District to transfer the same to the file of Family Court, Tirunelveli, Tirunelveli District for adjudication.

For Petitioner : Mr.D.Balamurugapandi

For Respondent : Mr.P.R.Ferlin Castro
for M/s.P.Kayalvizhi



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ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case on the file of the Family Court, Nagercoil, Kanyakumari District, in I.D.O.P.No.919 of 2022 and transfer the same to the Family Court, Tirunelveli.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. The learned counsel appearing for the petitioner would submit that the respondent/husband has filed a divorce petition in I.D.O.P.No.919 of 2022 and the same is pending on the file of the Family Court, Nagercoil, Kanyakumari District, that the petitioner/wife is residing at Palayamkottai, Tirunelveli District, and she gave birth to a child recently, that the petitioner finds it difficult to travel from Tirunelveli to Nagercoil, for all the hearings before the Family Court, Nagercoil, and that therefore, she was constrained to file the present application for transfer.



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4. When the matter is taken up for hearing today, the learned counsel appearing for the respondent would submit that the respondent is not having any objection to transfer the case, but he may be permitted to see the new born child.

5. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner has never prevented the respondent from seeing the child and they have no objection for the respondent visiting the child.

6. Recording the submissions made on either side, this Court is inclined to allow the revision and the IDOP is ordered to be withdrawn from the file of the Family Court, Nagercoil, Kanyakumari District and transfer to the file of the Family Court, Tirunelveli. Accordingly, the learned Judge of Family Court, Nagercoil, Kanyakumari District, is hereby directed to transmit the entire records in I.D.O.P.No.919 of 2022 to the file of the Family Court, Tirunelveli, within a period of 10 days from the date of receipt of a copy of this order and on receiving the case bundle, the learned Judge of Family Court, Tirunelveli, is directed to take up the petition on file and proceed in accordance with law.



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7. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

23.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Family Court,
Nagercoil, Kanyakumari District.
2. The Family Court,
Tirunelveli.
3. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
Tr.C.M.P.(MD)No.627 of 2023
and
C.M.P.(MD)No.13994 of 2023

Dated : 23.11.2023