



WEB COPY

Tr CMP (MD) No.793 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Tr.C.M.P.(MD) No.793 of 2022

and

CMP(MD)No.12658 of 2022

A.Stephin Chithra @ Sivachithra ... Petitioner/Respondent-wife

-VS-

Pastin Jerome ... Respondent/Petitioner-Husband

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in I.D.O.P.No.43 of 2022 on the file of the Family Court, Dindigul and transfer the same to the Family Court, Srivilliputhur, Virudhunagar District.

For Petitioner : Mr.T.Balakrishnan

For Respondent : Mr.M.Suresh

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in I.D.O.P.No.43 of 2022 on the file of Family Court, Dindigul, and transfer the same to Family Court, Srivilliputhur, Virudhunagar District.



Tr CMP (MD) No.793 of 2022

WEB COPY

2.The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 06.05.2011 and they have blessed with a female child aged about 10 years. The respondent doubted the fidelity of the petitioner and therefore the respondent has filed IDOP.No.43 of 2022 before the Family Court, Dindigul for dissolving the marriage. The respondent has also prayed for custody of the female child, who is aged about 10 years. The petitioner has expressed fear that she is facing threat to her life if she enters the Family Court, Dindigul, for attending Court proceedings.

3.Apart from that, it is also stated that the respondent is a influential person in Dindigul and the petitioner has no source of income to communicate to Dindigul for conducting case. The distance between Dindigul and Srivilliputhur is almost 140 kms. Hence, it is prayed that the said IDOP be transferred from Family Court, Dindigul, to the Family Court, Srivilliputhur, Virudhunagar.

4.On the other hand, the respondent has filed a detailed counter. It is submitted that the petitioner is facing proceedings under POCSO Act in Spl.S.C.No.49 of 2022 before the Fast Track Mahila Court, Dindigul. It is further



Tr CMP (MD) No.793 of 2022

WEB COPY

submitted that the distance between the Srivilliputhur from the residence of the petitioner is only 63 km. In the counter, the respondent has stated as follows:-

'11.I respectfully state that the place where the petitioner seeking to transfer i.e., Srivilliputhur is also 63 kms away from the residence of the petitioner. She has to travel nearly 130 kms for attending a court hearing at Srivilliputhur which will not make much difference from attending a court hearing at Dindigul. On the other hand if the case is ordered to be transfer to Srivilliputhur I have to travel 520 kms for every hearing from Erode and I am having my 10 years old and no one is there to take care of my daughter.'

5.That apart, it is submitted that the petitioner an accused person in Spl.S.C.No.49 of 2022 before the Fast Track Mahila Court, Dindigul, it is submitted that it is necessary for the petitioner to appear before the Court at Dindigul and hence, there is no merits for transferring the case.

6.I have considered the argument advanced by the learned counsel for the petitioner and the learned counsel for the respondent.

7.It is not clear as to why the respondent who is said be staying in Erode filed IDOP.No.43 of 2022 before the Family Court, Dindigul. The respondent is



Tr CMP (MD) No.793 of 2022

any event travelling from Erode to Dindigul in connection with IDOP.No.43 of 2022.

8.On the other hand, the petitioner is also forced to travel from Srivilliputhur to Dindigul. She has no means to support herself. Therefore, there is no merit in the argument advanced by the learned counsel for the respondent.

9.Considering the fact that the petitioner is unemployed and has no independent source of income and also the fact that the respondent has also initiated proceedings against the petitioner under POCSO Act based on the alleged complaint of a minor daughter by questioning the chastity of the petitioner, I am of the view that the said IDOP can be transferred to the neutral locality.

10.Therefore, the case is transferred to the Family Court, Madurai, Madurai District. The Family Court, Madurai, Madurai District, shall endeavour to bring closure to the dispute between the parties within a period of 12 months from the date of receipt of a copy of this order. The respondent shall pay for travel and



Tr CMP (MD) No.793 of 2022

WEB COPY

incidental expenses for the travel of the petitioner for every hearing by depositing the mount into the petitioner's account at Rs.3,000/- per hearing.

11.With the above observation, this Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

06.04.2023

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

dss

To:

- 1.The Family Court,
Dindigul.
2. The Family Court, Madurai,
Madurai District.



WEB COPY



Tr CMP (MD) No.793 of 2022

C.SARAVANAN, J.

dss

Order made in
Tr.C.M.P.(MD) No.793 of 2022
and
CMP(MD)No.12658 of 2022

Dated:

06.04.2023