



WEB COPY

Tr.C.M.P(MD)No.142 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**Tr.C.M.P(MD)No.142 of 2024
and
C.M.P(MD)No.2932 of 2024**

Ramya

... Petitioner/Respondent

Vs.

G.L.Arun Muthukumar

...Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.274 of 2023 on the file of the Family Court, Tirunelveli and transfer the same to the learned Family Court, Nagercoil.

For Petitioner
For Respondent

:Mr.N.Kamesh
:Mr.S.Bharathi Kannan

ORDER

The Transfer Civil Miscellaneous petition is filed by the wife. The prayer is to withdraw the H.M.O.P.No.274 of 2023 on the file of the Family Court, Tirunelveli and to transfer the same to the file of the Family Court, Nagercoil.



2.It is the case of the petitioner/wife that she has already filed the petition for restitution of conjugal rights in H.M.O.P.No.10 of 2024 on the file of the Family Court Nagercoil and as such, both the matters have to be tried together. Even otherwise, the petitioner/wife is put to grave hardship and is unable to travel upto Tirunelveli.

3.The prayer is resisted by the respondent/husband. The respondent/husband is also a Doctor practicing in Tirunelveli. He is an Anesthetist. Therefore, when emergency surgeries are carried out and if the case is transferred to Nagercoil, he has to travel two hours from Tirunelveli to Nagercoil. He will be put to grave prejudice.

4.It is seen that both the husband and wife are Doctors and they are practicing in their respective places. Therefore, this Court has only to resolve the issue in one way or other. In view of the same, considering the facts that both are Doctors, I am of the view that the prayer can be allowed and both the matters can be tried at Nagercoil. But, however in view of the fact that the respondent being an Anesthetist, except for essential hearing such as counselling, Mediation, Examination of Witnesses, the learned Judge, Family Court, Nagercoil, shall permit him to appear by video conferencing/virtual mode.



5.In view thereof, subject to the above observations, this Transfer Civil Miscellaneous Petition is allowed as prayed for withdrawing and transferring H.M.O.P.No.274 of 2023 from the file of the Family Court, Tirunelveli to the file of the Family Court, Nagercoil, to be tried along with H.M.O.P.No.10 of 2024. No costs. Consequently, connected miscellaneous petition is closed.

01.07.2024

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

- 1.The Family Court,
Tirunelveli
- 2.The Family Court,
Nagercoil.
- 3.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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