



Tr.C.M.P.(MD).No.212 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Tr.C.M.P.(MD).No.212 of 2023
and C.M.P.(MD).No.4561 of 2023

Thivya ... Petitioner/Respondent

Vs.

A.R.J.Jagannath ... Respondent/Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the case in I.A.No.1 of 2023 in HMOP No.1618 of 2023 on the file of the I Additional Family Court, Chennai and transfer to the Family Court, Thoothukudi. *(Prayer amended as per order dated 27.02.2024 made in CMP(MD).No.2537 of 2024 in Tr.C.M.P.(MD).No.212 of 2023.)*

For Petitioner : Mr.M.M.Manivelpandian

For Respondent : Mr.C.Kishore

ORDER

This petition has been filed to withdraw the case in I.A.No.1 of 2023 in HMOP No.1618 of 2023 on the file of the I Additional Family



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Court, Chennai and transfer to the Family Court, Thoothukudi.

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2.The facts in brief:

The marriage was solemnized between the parties on 06.04.2022. Out of the above said wedlock the petitioner got pregnancy. At that time at the instigation of her in-laws, the respondent filed the above said case on the file of the I Additional Family Court, Chennai. The petitioner is ready and willing to live with the respondent. Since the petitioner is unable to travel such a long distance, she seeks transfer of the above said case to the Family Court, Thoothukudi.

3.Heard both sides.

4.Only objection that has been made by the respondent is even in the main petition itself he has not made any allegation against the petitioner. The petitioner intends to file another petition seeking restitution of conjugal rights before the Family Court, Tuticorin. Whatever may it is matter on merits. The learned counsel for the respondent would submit that he is facing life threat at the hands of the



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petitioner. Without any reason, that cannot be maintained.

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5.Considering the facts and circumstances of the case and considering the convenience of the wife, the I.A.No.1 of 2023 in H.M.O.P.No.1618 of 2023 filed by the respondent on the file of the I Additional Family Court, Chennai, is ordered to be withdrawn and transferred to the Family Court, Thoothukudi.

6.Accordingly, this transfer civil miscellaneous petition is allowed.
No costs. Consequently, connected miscellaneous petition is closed.

28.03.2024

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

To

- 1.The Judge, I Additional Family Court, Chennai
- 2.The Judge, Family Court, Thoothukudi.
- 3.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGOVAN,J.

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