



TR CMP(MD)No.330 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

TR CMP(MD)No.330 of 2024

and

C.M.P.(MD)No.7370 of 2024

K.Aarthi

... Petitioner/Respondent

vs.

1.A.Sitharanjan

... 1st Respondent/ Petitioner

2.K.Arunkumar

... 2nd Respondent/ 2nd Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in O.P.No.904 of 2022 on the file of the Family Court, Theni and to transfer the same to the file of the Family Court, Tenkasi.

For Petitioner : Mr.A.Sheik Abdula

For Respondents : Mr.S.Vanchinathan

ORDER

The Transfer Civil Miscellaneous Petition is filed to transfer the case in O.P.No.904 of 2022 on the file of the Family Court, Theni to the file of the Family Court, Tenkasi.



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2.The wife is the petitioner before this Court. Even in the petition, the address of the wife is mentioned as Bodinayakanur in Theni District only. But however, the reason for filing the transfer application is that she has subsequently got admission in a private Law College in Vasudevanallur, Tenkasi District and therefore, she is finding it difficult to travel to Theni and hence, the petition.

3.The learned counsel appearing on behalf of the petitioner would submit that the petitioner has to travel almost 200 kms and it is extremely difficult for her to travel being a law student also.

4.Per contra, the learned counsel appearing on behalf of the respondents would submit that the case is going on in the Family Court, Theni, from the year 2022 and now is at the stage of further cross examination of P.W.1. In a few hearings, the case itself can be concluded. The parties would be put to grave prejudice, if the petition is now transferred at this stage, they have to engage a new amicus



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curiae/counsel who has to understand the case and the same would be difficult at the part heard stage.

5.I considered the rival submissions made on either side and perused the material records of the case.

6.No doubt, prejudice is pleaded on behalf of the petitioner/wife and normally this Court transfers to alleviate the prejudice of the wife. But in this case, the petitioner/wife is a resident of Bodinayakanur, now temporarily, is residing in Vasudevanallur since she is studying law there. But at the same time, considering the fact that the matter is at the trial stage, I am of the view that instead of transferring the matter to Tenkasi, the proceedings can continue in Theni itself. For the necessary hearings, such as, cross examination and the examination of the parties, the petitioner/wife shall be present and if any one or two hearings on account of her undergoing the legal education and she is unable to personally present, the learned Family Judge, Theni, shall permit her to appear through video conferencing



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also/or being represented by any amicus curiae by dispensing with her presence. For every hearing, she attends from Vasudevanallur to Family Court, Theni, a cost of Rs.2,000/- shall be paid by the first respondent/husband. The cost shall be paid in cash on the respective day of the hearing itself.

7. With the above directions, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

09.07.2024

NCC : Yes / No
sjj

To

1. The Family Court, Theni.
2. The Family Court, Tenkasi.



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D.BHARATHA CHAKRAVARTHY, J.

sjj

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