



TR CMP(MD)No.372 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

TR CMP(MD)No.372 of 2024

and

C.M.P.(MD)No.7952 of 2024

J.Bastina Snega

... Petitioner/Respondent

vs.

J.Alex

... Respondent/ Petitioner

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the case in IDOP No.86 of 2023 before the learned Principal District Sessions Judge, Ramanathapuram District and transfer the same to the learned Principal Sessions Court at Hosur, Krishnagiri District.

For Petitioner	: Mr.A.Uthayakumar
For Respondent	: Mr.M.S.Jeyakarthik

ORDER

The petitioner/wife has filed the Transfer Civil Miscellaneous Petition to withdraw the case in IDOP.No.86 of 2023 from the file of the learned Principal District Sessions Judge, Ramanathapuram to the file of the Principal Sessions Court at Hosur, Krishnagiri District.



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2.The petitioner is pleading hardship as she is now working in Hosur and is also settled there along with the minor child.

3.Per Contra, the learned counsel appearing on behalf of the respondent/husband would submit that both of them are native of Muthukulathur Taluk only. Only for an avocation, now the wife is settled in Hosur. The prayer made by the wife to the Court that Hosur is untenable as the case in IDOP No.86 of 2023 has to be either tried by the District Court or by the Family Court as the case may be.

4.Eventhough the prayer is made to transfer the matter to the Court at Hosur, since the IDOP has to be tried only by the Court at the level of the District Judge, Considering the hardship which is pleaded by the wife, the case in IDOP No.86 of 2023 is transferred from the file of the learner Principal District Sessions Judge, Ramanathapuram to the file of the Principal District Judge, Krishnagiri.



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5.Considering the fact that the respondent/husband is residing at Muthukulathur Taluk, the appearance of respondent need not be insisted upon for every hearing and the respondent can attend only the necessary hearings of counselling, mediation, examination of witness etc.

6.Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

26.07.2024

NCC : Yes / No
sji

To

- 1.The Principal District Sessions Judge, Ramanathapuram District.
- 2.The Principal District Judge, Krishnagiri District.



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D.BHARATHA CHAKRAVARTHY, J.

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