



TR.C.M.P(MD).No.546 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.02.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

TR.C.M.P(MD)No.546 of 2023

and

C.M.P(MD)No.12257 of 2023

R.Abinaya Boomathi

... Petitioner

Vs

S.Lingesh

... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the petition in H.M.O.P.No.220 of 2023 on the file of the Subordinate Judge, Thiruvorttiyur, Chennai and transfer the same to the Family Court, Nagercoil.

For Petitioner : Mr.T.Selvakumaran

For Respondent : Mr.A.K.Azagarsamy

ORDER

This Transfer Civil Miscellaneous Petition is filed to withdraw the petition in H.M.O.P.No.220 of 2023 on the file of the learned



TR.C.M.P(MD).No.546 of 2023

Subordinate Judge, Thiruvorttiyur, Chennai and transfer the same to the Family Court, Nagercoil.

2. The case of the prosecution is that, the petitioner is the wife of the respondent. The marriage between them was solemnized on 01.02.2021 at Santhaiyadi at Kanyakumari as per Hindu Rites and Customs. Since they have not blessed with a child, the respondent filed H.M.O.P.No.220 of 2023 for divorce on the ground that the petitioner is not medically fit for leading matrimonial life, before the Subordinate Judge, Thiruvorttiyur, Chennai. Now the petitioner is residing with her parents at her native. Since she finds it danger and life threat to her at Chennai, she wants transfer of the proceedings to the Family Court, Nagercoil. On that basis, this Transfer Civil Miscellaneous Petition came to be filed.

3. Learned counsel for the respondent would submit that he has no objection in transferring the case to Nagercoil. But since the respondent is working at Chennai, it will be very difficult to him to attend every hearing before the Family Court and hence he seeks transfer of the case to the Principal District and Sessions Court, Nagercoil.



TR.C.M.P(MD).No.546 of 2023

4. Eventhough, the grievance of the respondent appears to be genuine, when a Family Court is available, the case may not be transferred to the Principal District and Sessions Court, Nagercoil. This Transfer Civil Petition is liable to be allowed.

5. Accordingly, this Transfer Civil Petition is liable to be allowed. There shall be a direction to the learned Subordinate Judge, Thiruvorttiyur, Chennai, to transfer the entire records in H.M.O.P.No.220 of 2023, immediately to the file of the Family Court, Nagercoil. After receiving the records, the learned Judge, Family Court, Nagercoil, may assign new number and issue notice to parties for appearance and dispose the case in accordance with law. The respondent is at liberty to seek dispense with his personal appearance by stating his profession before the learned Judge, Family Court, Nagercoil. Consequently, connected miscellaneous petition is closed. No costs.

02.02.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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3/ 4



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TR.C.M.P(MD).No.546 of 2023

G.ILANGO VAN, J.

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To

1. The Subordinate Judge, Thiruvorttiyur, Chennai.
2. The Judge, Family Court, Nagercoil.

ORDER
IN

TR.C.M.P(MD)No.546 of 2023

02.02.2024