



WEB COPY

Tr.C.M.P(MD)No.725 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18.07.2024

CORAM

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

**Tr.C.M.P(MD)No.725 of 2023
and
C.M.P(MD)No.16189 of 2023**

Kavitha

... Petitioner/Respondent

Vs.

Senthilkumar

...Respondent/Petitioner

The Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the IDOP No.486 of 2023 on the file of the Family Court, Trichy and transfer the same to the Family Court, Tirunelveli or any other District Court in Tirunelveli District.

For Petitioner :Mr.K.P.Narayanakumar
For Respondent :Mr.V.S.Ganesh Prabhu

ORDER

The petitioner/wife has filed the transfer civil Miscellaneous petition to withdraw the I.D.O.P.No.486 of 2023 on the file of the Family Court, Trichy and transfer the same to the Family Court, Tirunelveli.



2.The learned counsel for the petitioner would submit that the petitioner/wife is residing at Tirunelveli along with her parents and she is also taking care of two children.

3.The learned counsel appearing on behalf of the respondent would submit that the wife is not also agreeing for the divorce, when the divorce petition is filed and when the respondent/husband was willing to rejoin also, she is not rejoining. Now, she does not want the petition also to be proceeded and therefore, she is asking for transfer. The petitioner is only a poor Carpenter and he cannot be harassed from all angle.

4.I have considered the submissions made on either side and perused the material records of the case.

5.When the wife is seeking for transfer on the ground of hardship, especially when she is taking care of two children, the hardship pleaded on behalf of the wife will outweigh the hardship pleaded on behalf of the husband.

6.In view thereof, considering the plea made by the learned counsel for the petitioner/wife, the Transfer Civil Miscellaneous Petition is ordered



and the I.D.O.P.No.486 of 2023 is withdrawn from the file of the Family Court, Trichy, and transferred to the file of the Family Court, Tirunelveli. In view of the contentions made on behalf the learned counsel for the respondent, the learned Judge, Family Court, Tirunelveli, is requested to take up the case for speedy disposal and dispose the same as expeditiously as possible, in any event, not later than one year from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

18.07.2024

NCC:Yes/No

Ns

To

1.The Family Court,
Trichy.

2.The Family Court,
Tirunelveli.



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D.BHARATHA CHAKRAVARTHY, J.

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