



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 30.09.2019**

**CORAM**

**THE HONOURABLE MS.JUSTICE P.T. ASHA**

**TR.C.M.P. (MD)No.156 of 2019**

**and C.M.P (MD)No.3311 of 2019**

WEB COPY

K.Caroline Kamala

... Petitioner/Respondent

**Vs.**

I.Kennedy

... Respondent/Petitioner

**PRAYER:-** Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C to withdraw the F.C.O.P.No.318 of 2019 from the file of the Family Court, Chennai to the file of the Sub Court, Ambasamudram.

For Petitioner : Mr.H.Arumugam

For Respondent : No appearance

**J U D G M E N T**

This petition is filed by the wife seeking to transfer the petition filed by the respondent/husband in F.C.O.P.No.318 of 2019 from the file of the Family Court, Chennai to the file of the Sub Court at Ambasamudram.

2. Transfer is sought for the following reasons:

i) The petitioner has filed D.V.O.P.No.12 of 2018 before the Judicial Magistrate, Cheranmahadevi and the proceedings before the Family Court, Chennai, has been filed as a counterblast to the above.

ii) The petitioner has not been maintained by the respondent and she is totally depending upon her parents for financial help.

Iii) The proceedings pending before the Family Court requires the presence of the parties for every hearing and without receiving maintenance, travel and stay at Chennai would be very expensive and would cause great hardship to the petitioner.

3. Heard the learned counsel for the petitioner and there is no representation for the respondent.

4. The reasons given for transfer appears to be valid. That apart, transfer is sought to Sub Court, Ambasamudram which does not require the presence of the respondent/husband for every hearing. It would suffice that the respondent engages the services of an Advocate to take care of the proceedings and appear only during the time of giving evidence. That apart, the wife has filed a petition under Domestic Violence Act, before the Judicial Magistrate,



Cheranmahadevi and if the case is transferred to the Sub Court, Ambasamudram, no prejudice would be caused to the respondent/husband.

5. In such circumstances, this Court is of the view that interest of justice would be sub-served if the proceedings in F.C.O.P.No.318 of 2019 on the file of the Family Court, Chennai, is withdrawn and transferred to the file of the Subordinate Court, Ambasamudram.

6. In view of the above. this Court is inclined to issue the following directions:

- i) The learned Judge, Family Court, Chennai, is directed to transmit the entire records in F.C.O.P.No.318 of 2019 to the file of the Sub Court, Ambasamudram, within a period of two weeks from the date of receipt of copy of this order.
- ii) the learned Subordinate Judge, Ambasamudram after obtaining the records on transfer, is directed to dispose of F.C.O.P.No.318 of 2019 as expeditiously as possible in accordance with law.

7. In the result, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS )

CM

To

- 1.The Judge, Family Court, Chennai.
- 2.The Subordinate Judge, Ambasamudram.

+1 CC to M/s.H. ARUMUGAM, Advocate SR-90730.

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