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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.12.2015

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THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.80 of 2015
& MP.No.1 of 2015

R.John Sinie Evangelin @ Sinie .. Petitioner

Versus

S.Udhayakumar .. Respondent

Prayer: Petition has been filed under Section 24 of C.P.C., to withdraw I.D.O.P.No.43 of 2014 pending on the file of Family Court, Udhagamandalam and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.P.S.Muralidhara Rao

For Respondent : Mr.M.Devaraj

O R D E R

The petitioner/wife, who is the respondent in I.D.O.P.No.43 of 2014 on the file of Family Court, Nilgiris, Udhagamandalam, has come forward with this petition, to transfer the same to the file of III Additional Family Court, Chennai.

2.Learned counsel for the petitioner submits that the respondent/husband has filed a petition in I.D.O.P.No.43 of 2014 for divorce before the Family Court, Nilgiris, Udhagamandalam. The petitioner/wife is residing at Chennai along with his widow mother with meager income and therefore, it is difficult for her to travel from Arumbakkam, Chennai to attend the Court at Nilgiris, Udhagamandalam. Hence, he prays that I.D.O.P.No.43 of 2014 to be transferred from the file of the Family Court, Nilgiris, Udhagamandalam to the file of III Additional Family Court, Chennai.

3.Learned counsel appearing for the respondent submitted that he leaves the matter for this Court's consideration.



4.Considering the rival submissions made on both sides and the averments in the affidavit filed in support of this petition, it is a fit case for transfer. Accordingly, the petition in I.D.O.P.No.43 of 2014 is ordered to be withdrawn from the file of the Family Court, Nilgiris, Udhagamandalam and transfer the same to the file of III Additional Family Court, Chennai, for disposal in accordance with law. The Presiding Officer, Family Court, Nilgiris, Udhagamandalam, is directed to transmit all the records pertaining to I.D.O.P.No.43 of 2014, within a period of two weeks from the date of receipt of a copy of this order. The Presiding Officer, III Additional Family Court, Chennai, is directed to dispose of the same, within three months from the date of receipt of material papers, after following the procedure and giving opportunity to both sides.

5.Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sri

To

1.The Judge Family Court, Udhagamandalam.
2.The Presiding Officer
III Additional Family Court, Chennai.

+1 cc to Mr.M.Devaraj Advocate sr.67117/15

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