

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.185 of 2015 and

MP.No.1 of 2015

Diana Robert

...Petitioner/Respondent

versus

Juno Immaculate Jayaraj Michael

...Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the case in GWOP No.58 of 2014, now pending on the file of learned Principal District Judge, at Kancheepuram and transfer the same to the file of Family Court at Coimbatore.

For Petitioner : Mr. S.Xavier Felix

For Respondent : Mr.K.V.Shanmuganathan

O R D E R

The respondent initiated proceedings in GWOP No.58 of 2014 before the Principal District Court at Kancheepuram. The petitioner, who is presently residing at Coimbatore, has come up with this petition for transfer.

2. Learned counsel for the petitioner contended that the petitioner was earlier residing at Chennai and subsequently she shifted the residence to Coimbatore. The petitioner is presently residing along with her parents. According to the learned counsel, it would not be possible for her to come over to Kancheepuram from Coimbatore for the purpose of defending the proceedings in GWOP No.58 of 2014.

3. The learned counsel for the respondent, on the other hand, disputed the averments found mentioned in the affidavit filed in support of the petition for transfer. According to the learned counsel, the petitioner agreed to reside at Chennai, before the Division Bench in HCP No.564 of 2014. However, she shifted her residence to Coimbatore and filed a petition for transfer.

4. There were earlier proceedings between the parties. Those proceedings are not relevant for deciding the transfer petition.

5. The respondent has no serious objection in transferring the matter to a court at Coimbatore, without admitting the averments in the transfer petition.

6. The petitioner has produced sufficient materials justifying her request for transfer. I am therefore of the view that the transfer petition deserves to be allowed.

7. The proceeding in GWOP No.58 of 2014 is withdrawn from the file of Principal District Court at Kancheepuram and is transferred to the file of Family Court at Coimbatore for disposal on merits.

8. The Transfer CMP is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

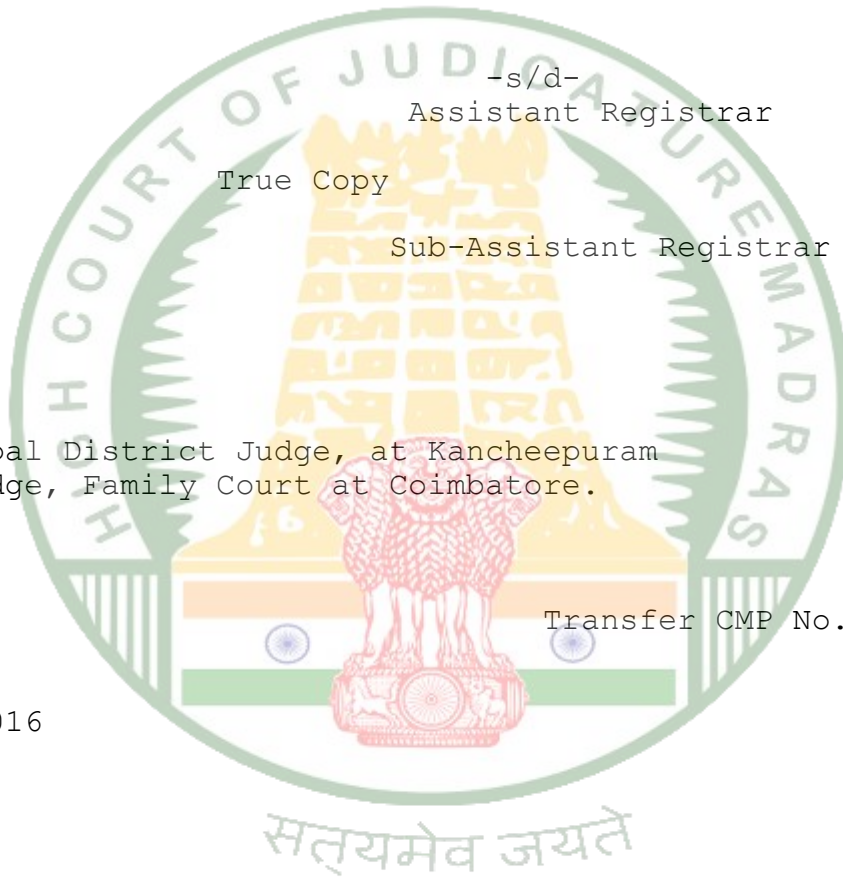
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To

1. Principal District Judge, at Kancheepuram
2. The Judge, Family Court at Coimbatore.

Transfer CMP No.185 of 2015

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