

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.485 of 2015 and

MP.No.1 of 2015

Cynthia

...Petitioner

versus

Raphel Arogiam

...Respondent

PRAYER: Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw IDOP No.1 of 2015 on the file of Principal District Family Court at Dindigul, Chennai and transfer the same to the file of District Family Court at Thiruvallur.

For Petitioner : Mr.K.Dhananjayan

For Respondent : Mr.S.Elango

O R D E R

The respondent initiated a proceedings in IDOP No.1 of 2015 before the Principal District Family Court at Dindigul, praying for a decree of divorce. The petitioner, on the other hand initiated proceedings in IDOP No.170 of 2014 before the Family Court at Thiruvallur, praying for a decree of restitution of conjugal rights. The petitioner has come up with this petition for transfer of the proceedings initiated by the respondent.

2. The learned counsel for the respondent on instructions submitted that the District Family Court at Tiruvallur dismissed the matrimonial proceedings initiated by the petitioner in IDOP No.170 of 2014 and as such, nothing survives for adjudication in this transfer petition.

3. The proceedings in IDOP No.1 of 2015 was instituted by the respondent. The said proceedings is still pending before the Principal District Family Court at Dindigul.

4. The petitioner is a resident of Ramapuram. According to the petitioner, she is residing within the jurisdiction of the District Family Court at Tiruvallur. It is the grievance of the petitioner that it would not be possible for her to travel all

along from Ramapuram to Dindigul for the purpose of defending the proceedings in IDOP No.1 of 2015.

5. The dismissal of IDOP No.170 of 2014 has absolutely no bearing for deciding this transfer petition in view of the fact that IDOP No.1 of 2015 is still pending before the District Family Court at Dindigul.

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 The proceedings in I.D.O.P.No.1 of 2015 is withdrawn from the file of Principal District Family Court, Dindigul and is transferred to the file of District Family Court, Tiruvallur, for disposal on merits.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

- 1.The Principal District Family Court, Dindigul
- 2.The District Family Court, Tiruvallur

+1cc to Mr.K. Dhananjayan, Advocate, S.R.No.63183

+1cc to Mr.S. Elango, Advocate, S.R.No.62784

pvs (CO)
md(23/12/2016)

Transfer CMP No.485 of 2015