

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Transfer C.M.P.No.179 of 2016

And

C.M.P.No.5077 of 2016

S.Esther Kavitha ... Petitioner

Versus

A.Prakash ... Respondent

This Petition filed under Section 24 of C.P.C. praying to withdraw I.D.O.P.No. 58 of 2015 on the file of the Principal District Judge at Chengalput and transfer the same to the file of the Family Court, Chennai.

For Petitioner : M/s.C.Shyaamala

For Respondent : Mr.N.Nirmalraj

O R D E R

The petitioner has come up with the Transfer Civil Miscellaneous Petition for withdrawal of the proceedings in I.D.O.P.No. 58 of 2015 on the file of Principal District Judge at Chengalput.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The proceedings in I.D.O.P.No. 58 of 2015 was instituted by the respondent before the District Court at Chengalput.

4. According to the petitioner, it would not be possible for her to appear before the Court at Chengalput as she is a permanent resident of Chennai. It is her contention that even the respondent is a resident of Chennai. However, he filed the proceedings at Chengalput with ulterior motives.

5. The petitioner is a resident of Chennai. Even in the cause title, the address of the respondent is mentioned as Pammal, Chennai. Hence, no prejudice would be caused to the respondent by transferring the proceedings to a Court at Chennai.

6. The learned counsel for the respondent submitted that the entire averments in the transfer petition are false and as such, the petitioner is not admitting the veracity of the contentions.

7. The petitioner has demonstrated that the nearest Court is the Court of Chennai as the venue of the proceedings in I.D.O.P.No. 58 of 2015. I am therefore of the view that the proceedings deserve to be transferred to the Family Court at Chennai, without prejudice to the contention taken by the respondent as indicated above.

8. In the result, the proceedings in I.D.O.P.No. 58 of 2015 is withdrawn from the file of Principal District Judge, Chengalput and is transferred to the file of the Family Court, Chennai, for disposal on merits.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsg

To

1. The Principal District Judge, Chengalput.

2. The Judge,
The Family Court, Chennai.

+1 cc to Mr.N.Niramal Raj Advocate sr 53776

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