

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP No.581 of 2016
and
CMP.No.15865 of 2016

M.Christy Sheela ... Petitioner/Respondent

Versus

Dr.S.Edwin Rajesh ... Respondent/Petitioner

PRAYER: Tr.C.M.P. filed under section 24 of C.P.C., to withdraw the I.D.O.P.No.1328 of 2014 on the file of II Additional Family Court, Chennai and transfer the same to the Family Court, Madurai or any other court having competent jurisdiction at Madurai District.

For Petitioner : Mr.D.Gopal

For Respondent : Mr.R.Sundara Kamesh Marthandan

O R D E R

The respondent filed I.D.O.P.No.1328/2014 before the learned II Additional Family Court, Chennai.

2. The petitioner after filing counter in IDOP.No.1328/2014 filed this petition for transfer.

3. The Transfer Petition is opposed by the respondent by filing counter affidavit wherein it is indicated that being a diabetic patient, it is not possible for him to travel from Chennai to Madurai.

4. Heard the learned Counsel for the petitioner and the learned Counsel for the respondent.

5. The petitioner is a permanent resident of Madurai. The proceedings initiated by the respondent in IDOP NO.1328/2014 is pending before the II Additional Family Court, Chennai.

6. According to the petitioner, she is not in a position to travel from Madurai to defend the proceedings in IDOP.No.1328/2014 on account of the distance factor and the money to be incurred for such travel.

7. There is nothing on record to suspect the bonafides in filing the Transfer CMP. I am therefore of the view that the transfer petition deserves to be allowed.

8. The proceedings in IDOP.No.1328 of 2014 is withdrawn from the file of II Additional Family Court, Chennai and is transferred to the file of Family Court, Madurai, for disposal on merits.

9. It is open to the respondent to file appropriate application before the Trial Court to dispense with his personal appearance on the normal dates of hearing subject to the condition that he would appear on all the effective dates of hearing.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1.The Judge,
II Additional Family Court,
Chennai.

2.The Judge,
Family Court,
Madurai.

+1cc to Mr.D.Gopal & D.Raghu, Advocate, S.R.No.67768
+1cc to Mr.R.Sundara Kamesh Marthandan, Advocate,
S.R.No.68746

Transfer CMP No.581 of 2016

GJ(CO)
CA(29/12/2016)