

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.72 of 2016

&

C.M.P.No.1621 of 2016

Mrs.Jeyarubah Ruth Ebenezer
Wife of Oswald Rajesh P.F
Postal Assistant
Chief Postmaster General Office
Anna Salai
Chennai - 600 002

... Petitioner

vs.

Mr. Oswald Rajesh P.F
S/o. P.Francis Gandhi
Flat F-E, Block 1
Jain Nakshatra Flat
82, Union Road
Chinna Nolambur
Chennai - 95

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to transfer the IDOP No.185 of 2015 which is pending on the file of the District Court, Thiruvallur to the Principal Family Court, Chennai.

For Petitioner : Mr.D.Muthukumar

ORDER

Learned counsel for the petitioner submits that after the establishment of a family Court at Tiruvallur, the Principal District Judge, Tiruvallur has been divested of the jurisdiction to entertain the suits or petitions in respect of the matters dealt with by the Family Courts and that the IDOP came to be filed subsequent to the establishment of a Family Court at Tiruvallur.

2. The crux of the contention of the petitioner is that the IDOP has been filed in a Court having no jurisdiction. If it is so, the petitioner can either seek rejection of the petition or return of the petition for presentation in the proper Court. Contending that the Court in which the case has been instituted does not have the jurisdiction and at the same time seeking the transfer of the case is quite contradictory.

3. Hence, this petition is dismissed with liberty to the petitioner to approach the Court of Principal District Judge, Tiruvallur with necessary petition either for rejection of the IDOP or for return of the same to be presented in a proper Court. No costs. Consequently, the connected miscellaneous petition is closed.

sd/-
Assistant Registrar (Cs-VII)

/TRUE COPY/

Sub-Assistant Registrar

gpa

To

The Principal District Judge,
Thiruvallur

+1 CC to MR.D.Muthukumar Advocate. SR.NO. 7652

Tr.C.M.P.No.72 of 2016 &
C.M.P.No.1707 of 2016

CO-SKV
JD 16/02/2016

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