

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2017

CORAM :

THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

Tr.C.M.P. No.248 of 2017
and CMP.No.4473 of 2017

V.Ethina

... Petitioner

Vs.

J.Royal Sam @ Samuel

... Respondent

Prayer:- Petition filed under Section 24 of C.P.C., praying to withdraw F.C.O.P.No.54 of 2017 on the file of the Family Court at Vellore and transfer the same to the Family Court at Tiruchirapalli.

For Petitioner : Mr.S.Vinod Sathya Lazar

For Respondent : Ms.A.Anusuya

ORDER

This transfer petition is filed to withdraw the proceedings in F.C.O.P.No.54 of 2017 on the file of the Family Court at Vellore and to transfer the same to the Family Court at Tiruchirapalli.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and the respondent was a love marriage and was solemnised on 28.05.2010 as per Christian Marriage law and customs. After marriage, the petitioner stayed with her in-laws at her matrimonial house at Katpadi. She was employed as a lecturer in Ranipettai Engineering College. In the wedlock, a male child was born on 08.3.2013. According to the petitioner, she was subjected to humiliation by the respondent and his family members, and unable to withstand the cruelty, the petitioner left the matrimonial house during her seventh month of pregnancy i.e., during January '2013 and since then she was staying with her mother at Trichy.

3. It is submitted that the respondent has filed a petition in FCOP.No. 446 of 2014 before the Family Court, Vellore, for restitution of conjugal rights. The petitioner filed a petition

in M.C.No.246 of 2016 for providing maintenance to herself and her minor child before the Family Court, Tiruchirapalli. The petitioner originally filed a transfer petition in Tr.CMP.No.391 of 2014 before this Court praying to transfer the said FCOP to Family Court, Tiruchirappali. This Court, by an order dated 20.08.2014 has allowed the said transfer petition, and accordingly the FCOP.No.446 of 2014 was transferred to Family Court, Tiruchirapalli and the same was re-numbered as FCOP.No.324 of 2015 and is pending before Family Court, Tiruchirapalli. In the said circumstances, the respondent now filed a petition in FCOP.No.54 of 2017 before the Family Court, Vellore, to dissolve the marriage held between the petitioner and respondent on 28.5.2010, by making false allegations against the petitioner.

4. According to the petitioner, though the respondent originally filed a petition for restitution of conjugal rights, he did not show any willingness to join with the petitioner during the mediation that took place in the Family Court, Tiruchirappali. More so, the petitioner was also threatened by the respondent during her visit to Vellore to attend the Court proceedings. It is contended by the petitioner that the respondent has filed the present petition in FCOP.No.54 of 2017 only with an intention to harass the petitioner. The petitioner is now stated to be living with her minor child, in the custody of her widowed aged mother, who is also suffering from kidney problems. In the said circumstances, she finds it difficult to travel from Trichy to Vellore to attend the Court proceedings along with her minor child. Hence, the petitioner has filed the present transfer petition praying to withdraw the petition in FCOP.No.54 of 2017 filed by the respondent on the file of the Family Court, Vellore and to transfer it to Family Court, Tiruchirapalli.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

6. Considering the reasons stated in the affidavit filed in support of this petition, and the submissions of the learned counsel for the petitioner that already the petition in F.C.O.P.No.446 of 2014 filed by the respondent before the Family Court, Vellore was transferred to Family Court, Tiruchirappali, vide order of this Court in Tr.CMP.No.391 of 2014, and was re-numbered as FCOP.No.324 of 2015 and the same is pending before Family Court, Tiruchirapalli, this Court is also inclined to transfer the present FCOP.NO.54 of 2017 filed by the respondent, which is pending on the file of Family Court, Vellore to Family Court, Tiruchirappali, and to be tried along with FCOP.No.324 of 2015 pending on its file.

7. In the result, the present transfer civil miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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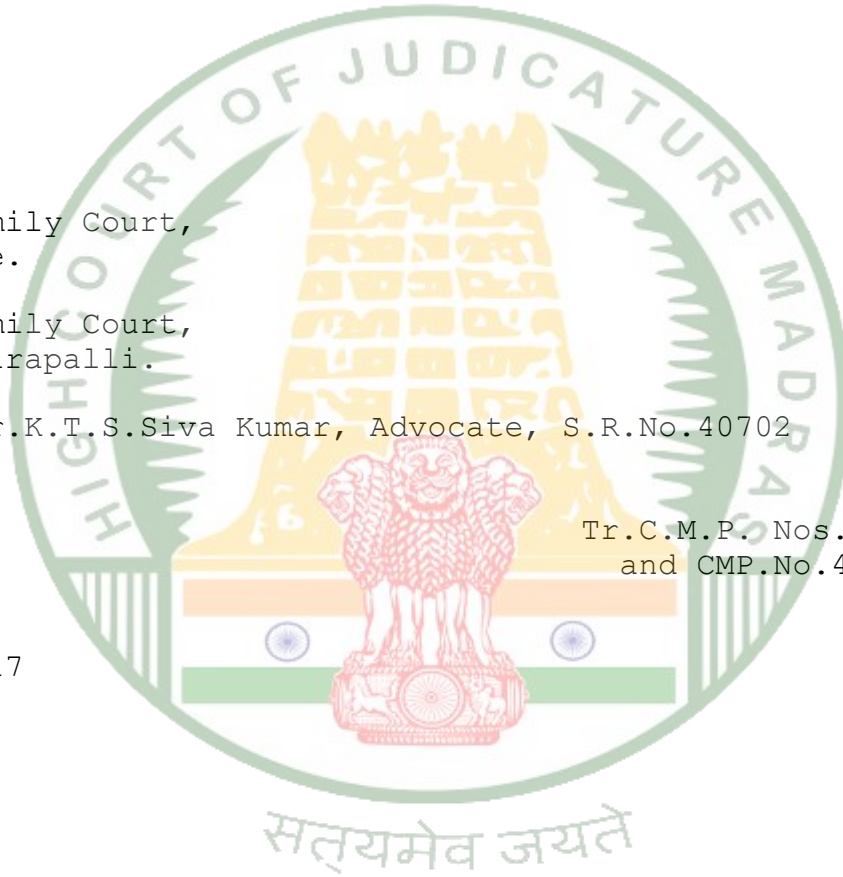
To

1. The Family Court,
Vellore.
2. The Family Court,
Tiruchirapalli.

+1cc to Mr.K.T.S.Siva Kumar, Advocate, S.R.No.40702

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GP(CO)
CS/11/07/17



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