

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.838 of 2017
and
C.M.P.No.17480 of 2017

Christo Jeffina Morais

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Petitioner

Versus

Felix Rajasekaran

...

Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to transfer the original petition in D.O.P.No.1094 of 2017 pending on the file of Additional Family Court, Coimbatore to the file of Principal District Court, Thoothukudi.

For Petitioner : Mr.M.Sivavarthanan

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking to withdraw D.O.P.No.1094 of 2017, pending on

the file of Additional Family Court, Coimbatore, seeking divorce, to the file of Principal District Court, Thoothukudi.

2. In the affidavit filed in support of this petition, it is stated that the marriage between the petitioner and the respondent was solemnized on 24.05.2010 and a child was born out of the wedlock and now studying Kindergarten at Apostle Matric School, Thoothukudi. The petitioner/wife in paragraph 11 has stated stated that the sister of the respondent is a police constable and she used to threaten the petitioner. It is also stated that the petitioner has to travel more than 350 kilometres along with her child, to Coimbatore for each and every hearing as the matter is pending before the Family Court, where the presence of the parties are mandatory and therefore filed this petition seeking transfer of the proceedings pending in D.O.P.No.1094 of 2017, on the file of Additional Family Court, Coimbatore to the Principal District Court, Thoothukudi.

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3. Heard the learned counsel for the petitioner. Despite the notice being served on the respondent and his printed in the cause list, there is no appearance on his behalf either in person or through counsel.

4. Considering the averments made in the affidavit filed in support

of this petition and the fact that Section 19(iii-a) of the Hindu Marriage Act, gives preference for the wife in respect of the place where she resides, this Court deems it fit to transfer the said D.O.P.No.1094 of 2017 pending on the file of Additional Family Court, Coimbatore, to the file of Principal District Court, Thoothukudi, where the presence of the parties is not mandatory.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the proceedings pending in D.O.P.No.1094 of 2017 on the file of Additional Family Court, Coimbatore, is withdrawn and transferred to the file of Principal District Court, Thoothukudi. The personal appearance of the respondent/husband before the Principal District Court, Thoothukudi is dispensed with for all the hearings, unless otherwise warranted, till the commencement of trial. No costs. Consequently, connected Miscellaneous Petition is closed.

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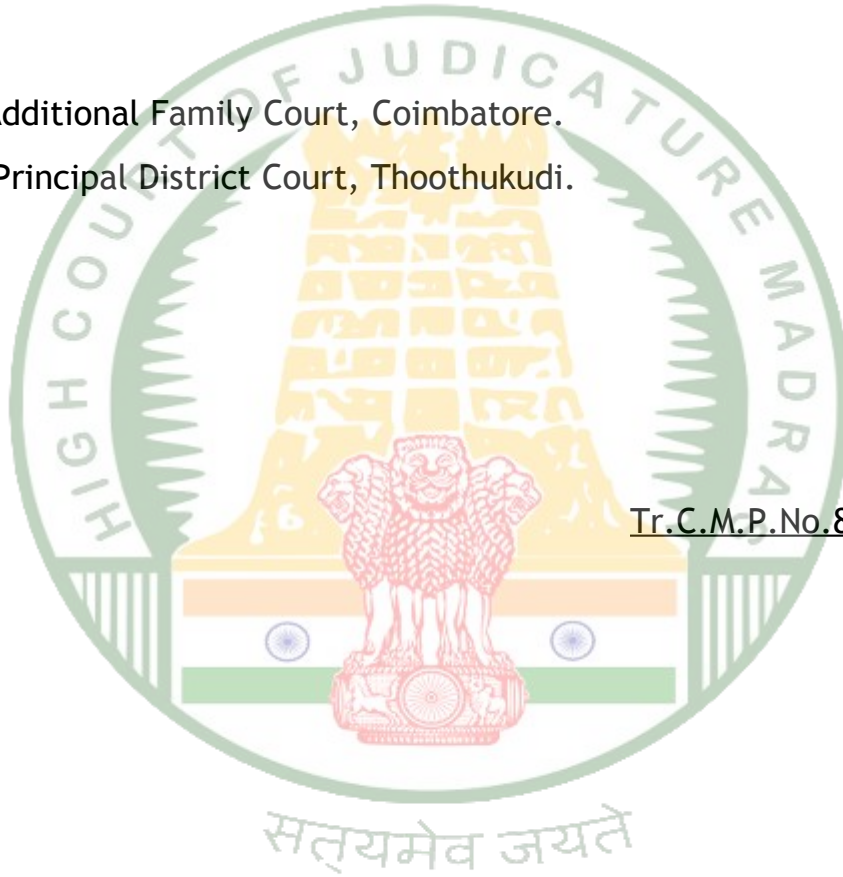
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PUSHPA SATHYANARAYANA, J

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To

1. The Additional Family Court, Coimbatore.
2. The Principal District Court, Thoothukudi.



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