

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.1031 of 2017

and C.M.P.No.20950 of 2017

C.P.Abisha

... Petitioner

versus

Jaisef Kevin

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw and transfer the case in O.P.No.425 of 2017 pending on the file of the V Additional Family Court at Chennai to the file of Family Court at Nagercoil.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.Ravikumar Paul
For M/s.Paul & Paul

O R D E R

The Transfer Civil Miscellaneous petition is filed by the petitioner/wife in the matrimonial proceedings seeking to withdraw O.P.No.425 of 2017, pending on the file of V Additional Family Court, Chennai, and transfer the same to the file of Family Court at Nagercoil. The parties are Christians.

2. O.P.No.425 of 2017 was filed by the respondent/husband under Section 10(1)(x) of the Indian Divorce Act, before the Family Court, Chennai for dissolving the marriage solemnized between the petitioner and the respondent on 15.01.2016.

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

4. In the affidavit filed in support of the petition, it is stated that the petitioner/wife is living in Chennai, and on an earlier occasion she was set ex-parte, as she could not travel

to Chennai to attend the hearings and subsequently, the same was set aside.

5. Mr.Ravikumar Paul, the learned Senior Counsel appearing for the respondent, contended that the respondent/husband apprehends unpleasantness and risk of being abused, if he goes to Nagercoil for the hearings. However, he is agreeable for transfer of this O.P. to any of the District Courts in the South.

6. Accordingly, with the consent of both the counsels, though the transfer is sought for to Family Court, Nagercoil, now the O.P. is transferred to District Court, Tuticorin, as there is no Family Court there. However, the appearance of the parties before the transferee Court i.e. District Court, Tuticorin is dispensed with till the commencement of the trial.

7. With the above observations, the Transfer Civil Miscellaneous Petition is disposed of and O.P.No.425 of 2017, pending on the file of V Additional Family Court, Chennai shall stand withdrawn and transferred to the file of District Court, Tuticorin. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

rsi
To

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

2. The District Judge,
Tuticorin.

+lcc to M/s.Paul & Paul, Advocate sr.11549

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nr 07/03/2018