

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2018

CORAM :

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.1038 of 2017
and C.M.P.No.21101 of 2017

R. Jony

... Petitioner

versus

J. Densing

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw I.D.O.P.No.335 of 2017, pending on the file of the Principal District and Sessions Judge at Nagercoil, Kanyakumari District and transfer the same to the II Additional Family Court at Chennai, to be tried along with M.C.No.521 of 2017.

For Petitioner : Mr.C.C.Sivakumar

For Respondent : Mr.S.Annamalai

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition seeking transfer of I.D.O.P.No.355 of 2017 pending on the file of Principal District and Sessions Judge, Nagercoil, Kanyakumari District to the file of II Additional Family Court, Chennai, to be tried along with M.C.No.521 of 2017.

2. It is seen from the affidavit filed in support of the petition that I.D.O.P.No.355 of 2017 was filed by the respondent/husband under Section 32 of Indian Divorce Act for restitution of conjugal rights before the learned Principal District and Sessions Judge, Nagercoil, Kanyakumari District. The petitioner/wife has filed M.C.No.521 of 2017 for maintenance, which is pending before the II Additional Family Court, Chennai.

3. Heard the learned counsel for the petitioner as well as learned counsel for the respondent.

4. The petitioner has also produced an additional typed set of papers, from which it is clear that she is employed as a Teacher in Chennai. It is also stated that it would be difficult for her to travel about 1400 kms. from Chennai to Nagercoil (up and down), by availing leave for each hearing in addition to boarding and lodging, as she is working in a private school at Ayanavaram, Chennai.

5. Though the respondent/husband had given the address in Nagercoil, he is stated to be employed in Kumbakonam. As he has already been travelling to Chennai to contest M.C.No.521 of 2017, it would not be prejudicial for him to travel to Chennai, if the above transfer is ordered.

6. The transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.355 of 2017 pending on the file of Principal District and Sessions Judge at Nagercoil, Kanyakumari District is transferred to the file of II Additional Family Court, Chennai, to be tried along with M.C.No.521 of 2017. The appearance of the respondent/husband is dispensed with till the commencement of the trial. However, he has to appear whenever the Court directs him. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rsi
To

1. The Principal District and Sessions Judge,
Nagercoil, Kanyakumari District.

2. The II Additional Family Court,
Chennai.

+1cc to Mr.C.C.Sivakumar, Advocate, S.R.No.15615

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CS/26/03/18