

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.382 of 2017
and C.M.P.No.7444 of 2017

Maria Paulin Janet

... Petitioner

versus

Justin Narbert

.... Respondent

Prayer:- This Petition is filed under Section 24 of C.P.C. praying to withdraw the case in I.D.O.P.No.8 of 2017 on the file of the Principal District Court, Thanjavur and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.J.James
For Respondent : Mr.N.Ramesh

O R D E R

The petitioner, who is the wife, has filed this Transfer Civil Miscellaneous Petition seeking transfer of I.D.O.P.No.8 of 2017, pending on the file of the Principal District Court, Thanjavur to any other Family Court in Chennai.

2. It is stated that the respondent/husband had filed I.D.O.P.No.8 of 2017 under Section 10(ix), (x) of Indian Divorce Act for divorce on the ground of cruelty and mental torture, before the Principal District Judge, Thanjavur.

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

4. The transfer petition was filed on 24.04.2017 and this Court had asked the parties to appear before this Court for mediation and it was also represented by the learned counsel for the respondent/husband that there is a possibility of settlement. Based on such statement it was adjourned time and again. Pending the Tr.C.M.P., the wife was set ex parte on 09.06.2017. The wife had filed an application in I.A.No.103 of

2017 for setting aside the ex parte decree. It is stated that the said petition was pending and at the instance of this Court, the respondent/husband had filed counter. It is stated that the matter is pending enquiry.

5. The learned counsel appearing for the petitioner contends that when the matter is pending before this Court and both the parties had agreed for mediation, it should not have been allowed to be decreed ex parte. Hence, the learned counsel for the petitioner seeking a direction for the disposal of the I.A. at the earliest. Accordingly, the Principal District Judge, Thanjavur is directed to dispose of the I.A.No.103 of 2017 on or before 30th April, 2018. Subject to the result of the order that may be passed in I.A.No.103 of 2017, the petitioner is at liberty to move for a fresh Tr.C.M.P., if she is so advised.

6. With the above direction, the Transfer Civil Miscellaneous petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

rsi

To

1.The Principal District Judge,
Thanjavur.

2.The Judge, Family Court,
Chennai.

+lcc to Mr.J.James, Advocate SR.No.22931

Tr.C.M.P. No.382 of 2017
and C.M.P.No.7444 of 2017

NMI (CO)
GN(17/04/2018)