

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.526 of 2017
and C.M.P.No.10792 of 2017

J. Jenifa Arul Mary

... Petitioner/Respondent

versus

R. Sathish Kumar

... Respondent/Petitioner

Prayer:-

The Petition is filed under Section 24 of C.P.C. praying to withdraw I.D.O.P.No.1984 of 2017 from the file of Hon'ble I Additional Family Court, Chennai and transfer the same to the file of Hon'ble Family Court, Tirunelveli.

For Petitioner : Mr.S.Consciousilango

For Respondent : Mr.P.Prakash Paul

ORDER

The petitioner/wife in the matrimonial proceedings has filed this transfer petition seeking to withdraw I.D.O.P.No.1984 of 2017 filed by the respondent/husband under Section 10(1)(x) of Indian Divorce Act for divorce on the ground of cruelty, pending on the file of I Additional Family Court, Chennai and transfer the same to the file of Family Court, Tirunelveli.

2. In paragraph 6 of the affidavit it is stated that the petitioner is staying with her aged parents and her father is also suffering with various physical ailments and he will not be able to accompany her to go to Chennai. Besides, it is stated that the distance is around 600 kms from Tirunelveli to Chennai and it would be difficult for her to travel alone and get back for each hearing. Hence, the petitioner/wife sought for the above transfer.

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

4. Considering the convenience of the wife, this Court finds it appropriate to transfer the I.D.O.P.No.1984 of 2017 from I Additional Family Court, Chennai to Family Court, Tirunelveli. Before the Family Court, Tirunelveli, the appearance of the parties is mandatory. However, the fact that the respondent/husband is living out side India and he is being represented through his mother, who is the power of attorney, the appearance of the respondent/husband is dispensed with till the commencement of the trial. The respondent/husband is also directed to be personally present from the date it is posted for trial.

5. With the above directions, the Transfer Civil Miscellaneous petition is allowed and I.D.O.P.No.1984 of 2017, pending on the file of I Additional Family Court, Chennai is transferred to the file of Family Court, Tirunelveli. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The I Additional Judge,
Family Court, Chennai.
2. The Family Judge,
Tirunelveli.

+lcc to Mr.S.Consciousilango, Advocate, S.R.No.18000

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SKV(CO)
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