

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.527 of 2017

and C.M.P.No.10854 of 2017

Valarmathi Bency ... Petitioner

versus

R. Alwin ... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw and transfer I.D.O.P.No.7 of 2017 from the Family Court, Thiruvallur to the file of Principal District Court, Thirunelveli.

For Petitioner : Mr.M.Sarfudeenaliahamed

For Respondent : Sd-No appearance

O R D E R

The petitioner/wife in the matrimonial proceedings has filed this Transfer Civil Miscellaneous Petition, seeking transfer of I.D.O.P.No.7 of 2017 filed by the respondent/husband under Section 10(1)(x) of the Indian Divorce Act, 2001, pending on the file Family Court, Thiruvallur for divorce to the file of Principal District Court, Thirunelveli.

2. It is stated in the affidavit filed in support of the petition that the marriage between the petitioner and respondent was solemnized in Thirunelveli District. They were living as husband and wife in Coimbatore and they never lived in Thiruvallur. According to the petitioner, the Family Court, Thiruvallur has no jurisdiction to entertain the above I.D.O.P. It is also stated that the respondent/husband residing in Coimbatore only. That apart, as the petitioner/wife is living in Thirunelveli, it would be difficult for her to travel from Thirunelveli to Thiruvallur, which is about 700 kms. along with her minor child born out of the wedlock. Therefore, the transfer is sought for.

3. Heard the learned counsel for the petitioner. Though notice has been served on the respondent, there is no representation for the respondent either in person or through counsel.

4. Considering the convenience of the parties, this Court is inclined to transfer I.D.O.P.No.7 of 2017, from the file of Family Court, Thiruvallur to the file of Principal District Court, Thirunelveli.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.7 of 2017, pending on the file of Family Court, Thiruvallur shall stand withdrawn and transferred to the file of Principal District Court, Thirunelveli. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Judge,
Family Court,
Thiruvallur.

2. The Principal District Judge,
Thirunelveli.

+lcc to Mr.M.Sarfudeen Ali Ahameed Advocate SR.No.1582

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SDR 06.02.2018

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