

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.532 of 2017  
and C.M.P.No.10880 of 2017

Joseph Milton

... Petitioner

Vs.

Bakkiaseeli Jayarani

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw F.C.I.D.O.P.No.10 of 2017 pending on the file of the Family Court, Chengalpet and transfer the same to the file of the District Court, Tuticorin.

For Petitioner : Mr.T.Ganesan

For Respondent : M/s.M.Ravibharathi  
for D.Gopinath

O R D E R

This petition is filed to withdraw F.C.I.D.O.P.No.10 of 2017 pending on the file of the Family Court, Chengalpet and transfer the same to the file of the District Court, Tuticorin.

2.The petitioner is the husband and respondent is the wife. The marriage between the petitioner and respondent was solemnized on 19.04.2012 at CSI Yesunathar Church, G.S.T.Road, West Tambaram, Chennai 600 045. The petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer F.C.I.D.O.P.No.10 of 2017 pending on the file of the Family Court, Chengalpet to the file of the District Court, Tuticorin. According to the petitioner, he met with an accident on 27.09.2016 and suffered multiple injuries and it is not possible for him to travel without anyone's help.

3.The respondent filed counter affidavit and contended that the accident that occurred on 27.09.2016 is only a minor accident. The petitioner is working in a printing press at Tuticorin and earning Rs.20,000/- per month. Only to drag on the proceedings in F.C.I.D.O.P.No.10 of 2017, the petitioner has

come out with the present petition and prayed for dismissal of the Transfer Civil Miscellaneous Petition.

4.Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

5.From the materials available on record, it is seen that the alleged accident took place on 27.09.2016. The petitioner was discharged on 23.10.2016. The petitioner has come out with the present Transfer Civil Miscellaneous Petition on the ground that he met with an accident. The petitioner has not filed any medical certificate to show that even now he is taking treatment or that he cannot travel without help of others.

6.In view of the failure on the part of the petitioner to substantiate his claim, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-  
Deputy Registrar

True Copy

Sub-Assistant Registrar

gsa  
To

The Family Court Judge,  
Chengalpet.

+1 CC to Mr.T. Ganesan, Advocate sr 25525.

+1 CC to Mr. Ravibharathi, Advocate sr 25428.

सत्यमेव जयते

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SP(19/04/2018)

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