

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.798 of 2017
and C.M.P.No.16211 of 2017

D. Janitha Rani

... Petitioner

versus

S. Sundaramurthy

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw I.D.O.P.No.5 of 2017 on the file of the Principal District and Sessions Court, Perambalur and transfer it to the Principal District Court, Cuddalore.

For Petitioner : Ms.R.Meenal

For Respondent : Mr.T.Seenivasan

O R D E R

The petitioner/wife in the matrimonial disputes has filed this Transfer Civil Miscellaneous Petition seeking to withdraw I.D.O.P.No.5 of 2017 filed by the respondent/husband under Section 10(1)(x) of the Indian Divorce Act for divorce on the ground of cruelty, pending on the file of Principal District Court, Perambalur and transfer the same to the file of Principal District Court, Cuddalore.

2. In the affidavit filed in support of the petition, it is stated that the petitioner/wife is ordinarily residing in Neyveli and employed as a Teacher in a Government School at Neyveli. In paragraph 6 of the affidavit, it is stated that she is afraid to travel alone to Perambalur, as the respondent/husband is an influential person and has already been threatening her with dire consequences, if she appears in the Court.

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

4. It is stated by the learned counsel appearing for the respondent/husband that the respondent is also living outside

India and he has appointed his mother as Power of Attorney. As the I.D.O.P. is pending in the District Court, the appearance of the parties is not mandatory. As the respondent/husband is being represented only by Power of Attorney, he will not be prejudiced, if the case is transferred to District Court, Perambalur.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.5 of 2017, pending on the file of Principal District Court, Perambalur is transferred to the file of Principal District Court, Cuddalore. The appearance of both the parties is dispensed with till the commencement of trial and the parties are directed to appear before the said Court during the trial and cooperate for the disposal of the O.P. No Costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The Principal District Judge,
Perambalur.
2. The Principal District Judge,
Cuddalore

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GSP(04/04/2018)

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