

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.816 of 2017
and C.M.P.No.16856 of 2017

Dr.Jesephin Rex

... Petitioner

versus

Dr.X.Thomson Jeyakumar

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the I.D.O.P.No.32 of 2017 from the file of the learned Family Court, Trichy and transfer the same to the Court of the learned VII Additional Family Court, Chennai or any other Court of Co-ordinate jurisdiction at Chennai.

For Petitioner : Mr.G.Jeremiah

For Respondent : Mr.A.Vivekanandhan

O R D E R

The petitioner/wife in the matrimonial dispute has filed the above Transfer Miscellaneous Petition seeking transfer of I.D.O.P.No.32 of 2017 filed by the respondent/husband under Section 18 and 19 of the Indian Divorce Act, 1869 for dissolution of marriage, pending on the file of Family Court, Trichy to the file of the VII Additional Family Court, Chennai.

2. It appears that subsequent to filing of the said I.D.O.P by the respondent-husband, the petitioner-wife has also filed I.D.O.P.No.3908 of 2017 on the file of the IV Additional Family Court, Chennai.

3. It is stated in the affidavit filed in support of the petition that the petitioner is a M.B.B.S student and is doing her house surgeon at Balaji Hospital, Chrompet, Chennai. It is also stated that since the respondent-husband has filed the said I.D.O.P before the Family Court, Trichy, it is very difficult for the petitioner-wife to attend each and every hearings, where the appearance of the parties are mandatory. Further, the distance between Chennai and Trichy is more than 400 kms and it would be difficult for her to travel and attend every hearings

at Trichy without any support to accompany her. Hence, she sought for the above transfer.

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

5. Learned counsel appearing for the respondent-husband submitted that the respondent-husband has got no serious objection in allowing this transfer. However, the learned counsel requested to transfer the said I.D.O.P.No.32 of 2017 pending on the file of the Family Court, Trichy to the IV Additional Family Court, Chennai, where I.D.O.P.No.3908 of 2017 is pending, so that both O.Ps may be tried in common.

6. Considering the convenience of the parties and also considering the provisions of Section 19 (iii-a) of the Hindu Marriage Act which gives preference for the wife to file a petition in respect of the place where she resides, this Court is inclined to transfer I.D.O.P.No.32 of 2017 pending on the file of the Family Court, Trichy to the file of the IV Additional Family Court, Chennai to be tried along with I.D.O.P.No.3908 of 2017.

7. Accordingly, the Transfer Civil Miscellaneous petition is allowed and I.D.O.P.No.32 of 2017 pending on the file of the Family Court, Trichy is withdrawn and transferred to the file of the IV Additional Family Court, Chennai to be tried along with I.D.O.P.No.3908 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Audit)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

srn

To

1. The Family Judge, Trichy
2. The IV Additional Family Judge, Chennai.

+2cc to Mr.G.Jermiah, Advocate SR.No.15139

+1cc to Mr.A.Vivekanandhan, Advocate SR.No.15665

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and C.M.P.No.16856 of 2017

KJ(CO)
GN(23/03/2018)