

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2018

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.CMP.No.894 of 2017
and
CMP.Nos.18185 and 18186 of 2017

I.Kanika ... Petitioner/Respondent

Versus

A.Praveen ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw I.D.O.P.No.16 of 2017 pending on the file of the Family Court, Erode, and transfer the same to the file of the District Court, Tuticorin.

For Petitioner : Mr.F.Terry Chella Raja

For Respondent : Mr.I.C.Vasudevan

O R D E R

The petitioner/wife in the Matrimonial proceedings has filed this petition, seeking transfer of I.D.O.P.No.16 of 2017 from the file of the Family Court, Erode to the file of the District Court, Tuticorin.

2. In the affidavit filed in support of this petition, it is stated by the petitioner/wife that the marriage between the petitioner and the respondent was solemnized on 04.06.2014 at Erode. Due to misunderstanding between them, the petitioner left the matrimonial home and residing in Tiruchendur, Tuticorin District with her aged widow mother. In the meanwhile, the respondent/husband had filed a petition in I.D.O.P.No.16 of 2017 before the Family Court, Erode seeking divorce. It is further stated that except her aged mother she does not have any other support. Hence, she has expressed her difficulty in traveling to Erode to attend the hearings of I.D.O.P.No.16 of 2017.

3. The learned counsel appearing for the respondent strongly opposed the transfer contending that there is a threat of life

to the respondent/husband in Tuticorin. However, there is no record to prove the same.

4. Considering the above facts and circumstances and also considering the convenience of the wife in respect of the place where she resides, this Court deems it fit to transfer the said I.D.O.P.No.16 of 2017 pending on the file of the Family Court, Erode, to the file of the District Court, Tuticorin.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.16 of 2017 pending on the file of the Family Court, Erode, is withdrawn and transferred to the file of the District Court, Tuticorin. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

raja

To

1. The Family Court,
Erode.
2. The District Court,
Tuticorin.

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.103
+1cc to Mr.M.Malar, Advocate, S.R.No.80

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