

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.906 of 2017
and C.M.P.No.18380 of 2017

A.Vijayalakshmi .. Petitioner/Respondent

Vs.

B.Varadharajan ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Civil Procedure Code, to withdraw F.C.O.P.No.120 of 2017 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the VI Additional Family Court, Chennai.

For Petitioner : Mr.T.Arunkumar

For Respondent : Mr.C.D.Vivekanandan

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw F.C.O.P.No.120 of 2017 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the VI Additional Family Court, Chennai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 09.06.2016 at Srinivasa Kalyana Mandapam, MTH Road, Padi, Chennai 600 050 as per Hindu Rites and Customs. After marriage, both the petitioner and respondent were living together in the matrimonial home at Kancheepuram District. The respondent and his parents, demanding more dowry, tortured the petitioner and thrown her out from the matrimonial home on 03.07.2017. The respondent filed F.C.O.P.No.120 of 2017 for divorce before the Family Court, Chengalpattu. The petitioner filed O.P.No.3595 of 2017 before the VI Additional Family Court, Chennai for restitution of conjugal rights.

3.According to the petitioner, she is an unemployed lady living in Chennai without any financial support. It is very difficult for her to travel from Chennai to Chengalpattu to attend each and every Court proceedings before the Court at

Chengalpattu. It is not safe for her life if she goes to Chengalpattu as the parents of the respondent and his relatives threatened the petitioner. In the circumstances, the petitioner has filed the present Transfer Civil Miscellaneous Petition to transfer F.C.O.P.No.120 of 2017 pending on the file of the Family Court, Chengalpattu to the file of the VI Additional Family Court, Chennai.

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

5.From the averments in the affidavit and counter affidavit filed by the respondent, it is seen that both the petitioner and respondent are making various allegations against each other and their family members. The petitioner has stated that if she goes to Chengalpattu to attend the Court proceedings, her life is not safe. The respondent has stated that petitioner's brother attacked the father of the respondent and his younger brother on 20.05.2017 with iron rod.

6.In view of the serious allegations made against each other, in the interest of justice, both the F.C.O.P.No.120 of 2017 pending on the file of the Family Court, Chengalpattu and O.P.No.3595 of 2017 pending on the file of the VI Additional Family Court, Chennai are transferred to the file of the Sub Court, Tambaram, wherein the parties can appear through Advocate. They can appear in person at the time of trial and as and when so directed by the learned Judge. Both the Family Court Judge, Chengalpattu and VI Additional Family Court Judge, Chennai are directed to transmit all the records pertaining to F.C.O.P.No.120 of 2017 and O.P.No.3595 of 2017 respectively to the file of the Sub Court, Tambaram, within a period of two weeks from the date of receipt of a copy of this order.

7.With the above direction, this Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-vi)

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Sub Assistant Registrar

gsa

To

1.The Judge, Family Court,
Chengalpattu.

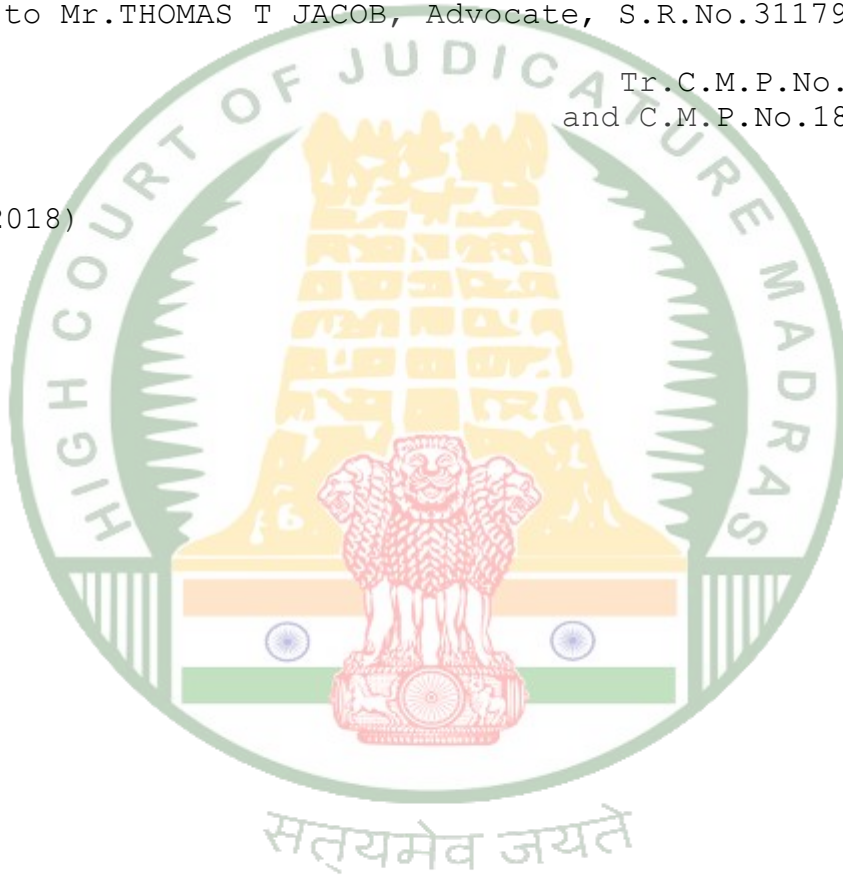
2.The VI Additional Judge,
Family court, Madras.

3.The Subordinate Judge,
Tambaram.

+1cc to Mr.THOMAS T JACOB, Advocate, S.R.No.31179

Tr.C.M.P.No.906 of 2017
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gj ii(CO)
TR(18/06/2018)



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