

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.83 of 2018
and C.M.P.No.2356 of 2018

S.Brinda Sri

... Petitioner

Vs.

D.Ramesh Kumar

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw O.P.No.206 of 2017 pending on the file of I Additional Family Court, Chennai and transfer the same to the file of Family Court, Cuddalore.

For Petitioner : Mr.M.Thamizhavel
For Respondent : Mr.B.Janakiram

O R D E R

This petition is filed to withdraw O.P.No.206 of 2017 pending on the file of I Additional Family Court, Chennai and transfer the same to the file of Family Court, Cuddalore.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 22.03.2015 as per Hindu rites and customs. Due to the cruelty and indecent behavior of the respondent's parents, the petitioner left the matrimonial home on 10.08.2016 and now is living with her parents. On 25.12.2016, the parents of the petitioner contacted the respondent and his parents for settlement. The respondent and his parents avoided amicable settlement. The respondent instead of taking petitioner to matrimonial home, filed O.P.No.206 of 2017 on the file of the I Additional Family Court, Chennai for divorce.

3.According to the petitioner, she is residing at Cuddalore along with her aged parents. Being a lady, it will be very difficult for her to travel from Cuddalore to Chennai to attend each and every hearing. In the circumstances, she has come out with the present Transfer Civil Miscellaneous Petition to transfer O.P.No.206 of 2017 pending on the file of I Additional Family Court, Chennai to the file of the Family Court, Cuddalore.

4.The learned counsel for the respondent filed typed set of papers and counter affidavit, denying all the allegations made against the respondent. He also made various allegations against the petitioner and her behavior towards the respondent and his parents. He also alleged adultery. In addition to that, the respondent has stated in the affidavit that the petitioner and her parents are residing in No.13, 3rd Street, Kamaraj Nagar, Korattur, Chennai 600 080 and they are not residing at Cuddalore. The petitioner is working under Blue Bell Integrated Facility Services Pvt. Ltd. and placed as Admin Executive to be based at IndusInd Bank-Karapakkam Branch. Earlier, in the complaint given by the petitioner to the Omalur Police Station, Salem against the respondent and his family members, she has stated that she is residing at Salem. In the typed set of papers filed by the respondent, communication received by the petitioner from the Office of IndusInd Bank in the address at Korattur is enclosed. The learned counsel for the respondent, on these averments, prayed for dismissal of the Transfer Civil Miscellaneous Petition.

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

6.The petitioner has come out with the present Transfer Civil Miscellaneous Petition to transfer O.P.No.206 of 2017 pending on the file of the I Additional Family Court, Chennai to the file of the Family Court, Cuddalore. On the other hand, the learned counsel for the respondent has produced materials to show that the petitioner is residing at Korattur. He also produced materials to show that she received offer letter from her employer in the said address. In view of the materials produced by the learned counsel for the respondent, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

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To

The I Additional Judge, Family Court, Chennai.

+3 Ccs to Mr.B.Janakiram, Advocate sr 51672.

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SP(03/09/2018)