

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Transfer CMP. No.826 of 2018 &
CMP No.20307 of 2018

D. Rupa Elizabeth

Petitioner / Respondent

Vs

J. Fredy

Respondent / Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure to withdraw I.D.O.P.No.111 of 2017 from the file of Family Court, Chengalpat and to transfer the same to the file of Principal District Court, Pudukottai.

For Petitioner : Mr.R. Shenbagaraman for
Mr. B. Sivaraman

For Respondent : Mr. J. Fredy
(the respondent appeared in person)

O R D E R

This Transfer Civil Miscellaneous Petition is filed under Section 24 of Code of Civil Procedure to withdraw I.D.O.P.No.111 of 2017 from the file of Family Court, Chengalpat and to transfer the same to the file of Principal District Court, Pudukottai.

2. The petitioner D. Rupa Elizabeth is the respondent in IDOP No. 111 of 2017 pending on the file of Family Court, Chengalpat. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was conducted on 23.02.2017 at St.Joseph Cathedral Church, Kancheepuram High Road, Chengalpattu according to Christian rites and customs. After the marriage, both the petitioner and the respondent set up a matrimonial home at Chengalpat and was living together. After some time, due to the difference of opinion arose between the petitioner and the respondent, the petitioner left the matrimonial home and residing with her parents in Pudukottai

3. In the mean time, the respondent filed an application before the Family Court, Chengalpat under Section 10 (1) of Indian Divorce Act seeking the relief for annulling the marriage happened between them. The said application is pending before the Family Court, Chengalpat as already stated.

4. Now, the petitioner has come forward with this application stating various allegations against the respondent, before this Court and prayed to withdraw I.D.O.P.No.111 of 2017 from the file of Family Court, Chengalpat and to transfer the same to the file of Principal District Court, Pudukottai.

5. Today, when the petition is taken up for hearing, the respondent J. Fredy personally appeared before this Court and produced the copy of his Driving License in order to prove his identification and the same was verified by this Court. Further, he has made an endorsement in the petition that he is not having any objection to transfer the above said case I.D.O.P.No.111 of 2017 from the file of Family Court, Chengalpat to the file of Principal District Court, Pudukottai.

6. Therefore, in view of the endorsement made by the respondent as well as considering the convenience of the wife and other circumstances, this Court is inclined to allow this petition.

7. In the result, the Transfer civil Miscellaneous Petition is allowed. The case in I.D.O.P.No.111 of 2017 is ordered to be withdrawn from the file of Family Court, Chengalpat and to be transferred to the Principal District Court, Pudukottai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of records, the Principal District Judge, Pudukottai, is directed to dispose the case as expeditiously as possible. No costs. The connected miscellaneous petition is closed.

सत्यमेव जयते Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

vrn

To

1. The Family Court, Chengalpat
2. The Principal District Court, Pudukottai,
+lcc to Mr.B.Sivaraman, Advocate SR.No.83476

Transfer CMP No.826 of 2018

VG II(CO)

GMV(21/12/2018)