

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Transfer CMP. No.857 of 2018 &

CMP No.21211 of 2018

B. Radha Davamani @ Beulah Davamani ..Petitioner / Respondent

Vs

A. Arunchandar ..Respondent / Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure with a prayer to withdraw the case in I.D.O.P No. 76 of 2017 pending on the file of Principal District Court, Tiruppur and to transfer the same to the file of Family Court, Coimbatore.

For Petitioner : Mr.S. Sureshkumar

For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition filed under Section 24 of Code of Civil Procedure with a prayer to withdraw the case I.D.O.P No. 76 of 2017 pending on the file of Principal District Court, Tiruppur and to transfer the same to the file of Family Court, Coimbatore

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was solemnized on 28.05.2015 in "T.E.L.C Church", Town Hall, Coimbatore as per the Christian Rites and Customs. After the marriage, the petitioner and the respondent were living in the matrimonial home in Avinashi. After some time, due to the difference of opinion, the petitioner left the matrimonial home and living separately. In the meanwhile, the respondent filed an application under Section 10((ix and x) of the Indian Divorce Act, in which he is seeking the relief to annul the marriage between the petitioner and respondent.

3. According to the petitioner, she is residing at Coimbatore along with her parents. The distance between the residence of the petitioner and Tiruppur is more than 35 kms and being a lady, it is very difficult for her to go to Tiruppur and attend the Court proceedings. Further, she is not having any independent income, and she is depending upon her parents for her day to day life.

4. Even though, the said submission made by the petitioner is reasonable one, it is necessary to look into the other circumstances also for deciding the issue involved in this petition. In fact, from Coimbatore to Tiruppur, frequent bus and train facilities are available. For reaching from Coimbatore to Tiruppur, merely about 1 hour is more than sufficient. Further more, it is an admitted fact that the respondent has also came from Avinashi and attended the Court proceedings in Tiruppur. The distance between Avinashi and Tiruppur is nearly 25 kms. In the said circumstances, since both the petitioner and the respondent are attending the Court with great difficulty, hence, it is not necessary to give much importance to the prayer sought for by the petitioner. If the IDOP NO. 76 of 2017 is transferred to Family Court, Coimbatore, considering the fact that both the Family Courts in Coimbatore are having lot of cases, it is very difficult to the petitioner and the respondent to get dispose of the cases in short period.

5. In the light of the above discussions, the Transfer Civil Miscellaneous Petition is dismissed. The connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vrn

To

1.The Principal District Court,
Tiruppur.

2.The Family Court,
Coimbatore.

+lcc to Mr.C.Prabakaran, Advocate, S.R.No.82456

Transfer CMP No. No.857 of 2018

VGII(CO)

rrs 21/12/2018

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