

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.83 of 2019
and
C.M.P.No.3035 of 2019

Caroline Tina Prince ... Petitioner
Vs.
Rohan Isaac Mathew ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in I.D.O.P.No.75 of 2019 on the file of IV Additional Family Court, Madras and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.S.Mukunth

For Respondent : Mr.Malarvizhi Udayakumar

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of I.D.O.P.No.75 of 2019 on the file of IV Additional Family Court, Madras to the file of Family Court, Coimbatore.

2. Respondent and petitioner are husband and wife. The respondent/husband filed a divorce petition in I.D.O.P.No.75 of 2019 before the IV Additional Family Court, Chennai. The respondent/wife is a resident of Coimbatore. The petitioner/wife would state that she delivered a baby five months ago and she is very weak to travel long distance. The distance between Chennai to Coimbatore is 500 kms and Doctor advised not to travel due to poor health and her father is aged about 70 years and a heart patient cannot accompany the petitioner in travel. Therefore, citing physical hardship for herself and her five months old baby, she seeks transfer of the case from Chennai to Coimbatore.

3. The learned counsel appearing for the respondent with the support of the correspondences between the parties would submit that the matter will be settled if properly negotiated and seeks that the matter may be referred to mediation to resolve the dispute.

4. This Court, considered the rival submissions. Admittedly the petitioner/wife is residing in Coimbatore and she has 5 months old baby to take care of. Doctors advised her not to travel along with 5 months old baby and hence, considering the physical and mental hardship caused to the petitioner/wife as well as the child, this Court is inclined to transfer the petition filed by the husband from Chennai to Coimbatore.

5. Accordingly, I.D.O.P.No.75 of 2019 pending on the file of IV Additional Family Court, Madras is withdrawn and transferred to the file of Principal Judge Family Court, Coimbatore. The Principal Judge Family Court, Coimbatore is directed to refer the matter to Mediation on receipt of the bundles.

6. The Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The IV Additional Family Court,
Chennai.

2.The Principal Judge, Family Court,
Coimbatore.

+1cc to Mr.Sarvabhauman Associates, Advocate, S.R.No. 29674

AD(CO)
GN(07/05/2019)

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