

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.185 of 2019

and

C.M.P.No.5772 of 2019

Veronical

... Petitioner/Respondent

Vs.

J.Leonard Wesley

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in I.D.O.P.No.69 of 2018 pending on the file of the Principal District Court, Pudukkottai and transfer the same to the file of the Principal District and Sessions Court, Chengalpet.

For Petitioner : Mr.S.Sairaman

For Respondent : Notice Served

No Appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking for transfer of I.D.O.P.No.69 of 2018 from the file of the Principal District Court, Pudukkottai to the file of the Principal District and Sessions Court, Chengalpet.

2. It is stated in the affidavit filed in support of this petition that the marriage between the petitioner and the respondent was solemnized on 29.01.2016 at English Electric Thirumana Mandapam, Old Highway, Pallavaram, Chennai, as per Christian Rites and Customs, and the same was registered on 16.03.2016. Initially, they lived at Chennai for a month and thereafter, went to the respondent house at Pudukkotai. Subsequently, there was a misunderstanding between them, as a result, the petitioner was sent out from the matrimonial home during the month of March 2016. The petitioner's parents had taken serious efforts to unite them, but all the efforts were ended in vain. Thereafter, the respondent has filed a divorce petition in I.D.O.P.No.69 of 2018 before the Principal District Court, Pudukkottai.

3. It is also stated in the affidavit that even though the marriage was held at Chennai and both the petitioner and the respondent were resided at Chennai for a month, the respondent in order to harass the petitioner filed the divorce petition at Pudukkottai. The petitioner is presently residing at Chennai under the custody of her old aged parents and she is depending upon the income of her parents. In this situation, she could not travel to Pudukkottai which is about 400 Kms from Chennai to attend the hearings in I.D.O.P.No.69 of 2018. Therefore, she has sought for transfer of the same from the file of the Principal District Court, Pudukkottai to the file of the Principal District and Sessions Court, Chengalpet.

4. It is seen from the records that when the matter was listed for admission on 06.03.2019, a notice through Court as well as privately was ordered by this Court. Thereafter, when the matter was listed on 22.04.2019, it was brought to the notice of this Court that the notice sent to the respondent was returned with an endorsement "Respondent Left India". Hence, the petitioner was permitted to serve copy on the counsel appearing for the respondent before the Lower Court. Subsequently, when the matter was listed on 12.06.2019, there was no representation for the respondent, hence, a fresh notice through Court as well as privately was ordered by this Court. Thereafter, the Private notice sent through lower court counsel has been served on the respondent on 17.06.2019. In spite of the same, there was no representation for the respondent when the matter was listed on 26.09.2019. Hence, the Registry was directed to verify any vakalat has been filed on behalf of the respondent and to post the matter on 16.10.2019. Accordingly, when the matter is listed today, i.e. on 16.10.2019, there is no representation for the respondent even today. Hence, in view of the absence of the respondent, this Court is inclined to transfer the I.D.O.P.No.69 of 2018 from the file of the Principal District Court, Pudukkottai to the file of the Principal District and Sessions Court, Chengalpet, as per convenience of the petitioner/wife.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the I.D.O.P.No.69 of 2018 pending on the file of the Principal District Court, Pudukkottai, is withdrawn and transferred to the file of the Principal District and Sessions Court, Chengalpet. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Presiding Officer,
Principal District Court,
Pudukkottai.
2. The Presiding Officer,
Principal District and Sessions Court,
Chengalpet.

+1 cc to M/s.S.Sairaman, Advocate Sr.No. 86663

AKM/03.12.19/3P-4C /

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