

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.325 of 2019
and C.M.P. No.9411 of 2019

D.Jancymariyal

... Petitioner

-vs-

J.Jeydhass

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the I.D.O.P. No.2 of 2019 on the file of the District Court, Sivaganga and transfer the same to the I Additional Family Court, Chennai.

For Petitioner : Mr.R.Amardeep

For Respondent : No Appearance

O R D E R

The Transfer C.M.P. has been filed to transfer the I.D.O.P. No.2 of 2019 pending on the file of the District Court, Sivaganga to the file of the I Additional Family Court, Chennai.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 30.11.2017 at A.G. Church, Devakottai in accordance with Christian rites and customs under Christian Marriage Act. Due to difference of opinion arose between themselves, the petitioner was deserted when she was pregnant and she gave birth to a girl child. But the respondent never turn up to see the baby girl and the petitioner was living in Chennai along with her six months child with the help of her widow mother. While so, the respondent has filed a petition in I.D.O.P. No. 2 of 2019 seeking restitution of conjugal rights before the District Court, Sivaganga. Whereas the petitioner has filed M.C. No.187 of 2019 seeking maintenance before the I Additional Family Court, Chennai. According to the learned counsel appearing for the petitioner, the petitioner is working as Junior Assistant in Chennai Metro Water Service Board, Royapuram, Chennai, which is non-transferable post and she was

taking care of her child with the meager salary and therefore, if the said I.D.O.P. No.2 of 2019 is transferred to the file of the I Additional Family Court, Chennai, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 06.05.2019 and private notice has also been taken by the learned counsel for the petitioner, but there is no representation on behalf of the respondent either by engaging counsel or by himself.

4.Taking note of the fact that the Maintenance Case in M.C. No. 187 of 2019 was pending before the I Additional Family Court, Chennai and although service is complete, the respondent has not chosen to appear before this Court, which shows that the respondent has no objection in allowing the petition, this Court is inclined to transfer the I.D.O.P. No.2 of 2019 pending on the file of the District Court, Sivaganga to the file of the I Additional Family Court, Chennai. Accordingly, the Tr. C.M.P. is allowed and the I.D.O.P. No.2 of 2019 pending on the file of the District Court, Sivaganga is withdrawn and transferred to the file of the I Additional Family Court, Chennai.

5.The I Additional Family Court, Chennai is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.9411 of 2019 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga
To

1.The District Court,
Sivaganga.

2.The I Additional Family Court,
Chennai.

Tr. C.M.P. No.325 of 2019
and C.M.P. No.9411 of 2019

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