

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.373 of 2019
and C.M.P. No.10460 of 2019

Joice Lidwin

... Petitioner

-vs-

Antony Thilak

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the O.P. No.928 of 2019 before the III Family Court, Chennai and to transfer the same to the file of the Sub Court, Kumbakonam, Thanjore District.

For Petitioner : Mr.L.S.M.Hasan Faizal for
Mr.S.K.Kannadasan

For Respondent : Mr.S.Arunkumar

O R D E R

Joice Lidwon, the petitioner herein, wife of one Antony Thilak, the respondent herein, has come to this Court seeking transfer of O.P. No.928 of 2019 pending on the file of the III Family Court, Chennai, to the file of the Sub Court, Kumbakonam, Thanjore District.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 31.05.2012 at Jagan Madha Mahal, Indian Bank Colony, Simco Meter Road, Trichy as per the Christian rites and customs and out of the wedlock, they got a female child, namely Rachel on 07.09.2013. At the time of marriage, the respondent was working as Software Engineer in TATA Consultancy, Chennai. However he compelled the petitioner, who is a MBA graduate, not to work anywhere and the petitioner agreed for the same and taken care of the entire family and responsibilities. After she became pregnant in the month of December 2012, gave birth to a female child. Thereafter, the respondent and his family members started avoiding the petitioner as well as her child. While so, the respondent has filed the O.P.

No.928 of 2019 before the III Family Court, Chennai, for dissolution of marriage by making false allegations against the petitioner. Since the petitioner has no parents and presently, she is living with her married elder sister at Kumbakonam, it is difficult for her to undertake long journey of 400 k.ms along with her small child, who is studying in I std. to attend the hearing in III Family Court, Chennai. Secondly, the petitioner is facing financial crisis to meet out the travelling expenses, since she has been suffering for the basic needs of cloth, food and shelter for herself and her daughter. Therefore, if the O.P. No.928 of 2019 is transferred to the Sub Court, Kumbakonam, Tanjore District, no prejudice will be caused to the respondent.

3.A perusal of the records maintained by the registry shows that notice was sent to the respondent on 17.05.2019 and the same was received by the respondent, but none appeared on his behalf.

4.Taking note of the fact that in spite of notice served on the respondent, no one appeared on his behalf, which shows that the respondent has no objection in allowing the petition, this Court is inclined to transfer the O.P. No.928 of 2019 pending before the III Family Court, Chennai to the file of the Sub Court, Kumbakonam, Tanjore District.

5.Accordingly, the Tr. C.M.P. is allowed and the O.P. No.928 of 2019 pending on the file of the III Family Court, Chennai is withdrawn and transferred to the file of the Sub Court, Kumbakonam, Tanjore District.

6.The Sub Court, Kumbakonam, Tanjore District is directed to take up the case and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.10460 of 2019 is closed.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

vga

To

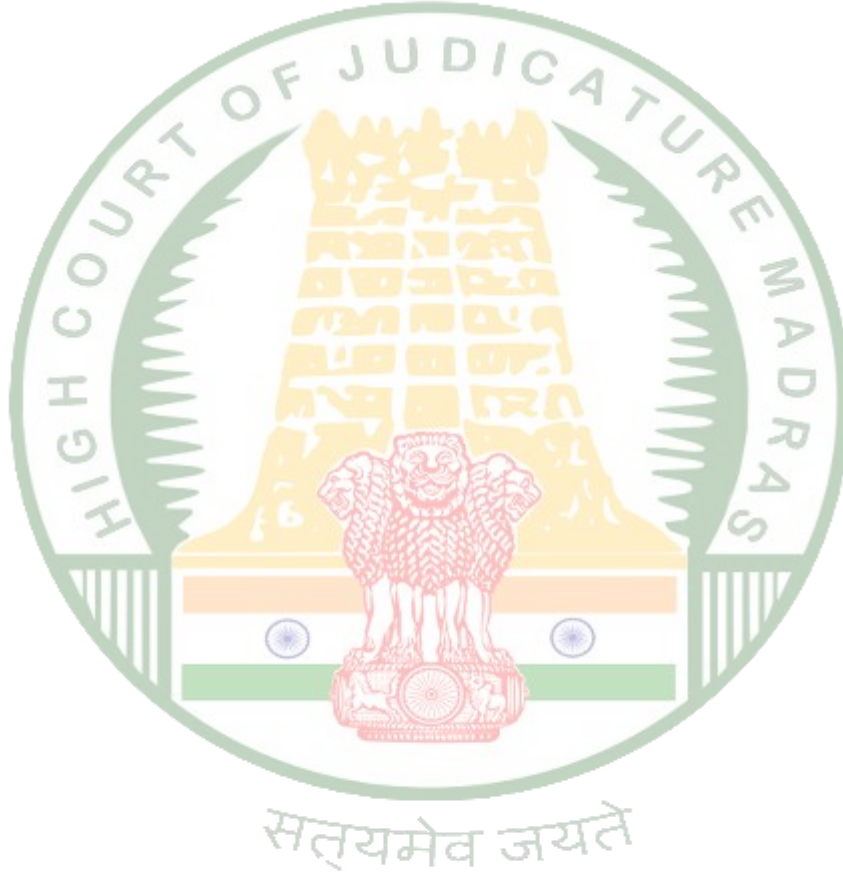
1.The Sub Court, Kumbakonam, Tanjore District.

2.The III Family Court, Chennai.

+1cc to Mr.S.K.Kannadasan , Advocate SR.No. 48193

Tr. C.M.P. No.373 of 2019
and C.M.P. No.10460 of 2019

A.SK(19/07/2019)



WEB COPY