

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.415 of 2019
and C.M.P. No.11683 of 2019

R.Sagay Batric Lincia

... Petitioner

-vs-

Michael John Paul Rolington

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the petition in I.D.O.P. No.66 of 2019 pending on the file of the Principal District Court, Tirunelveli and transfer the same to the file of the Family Court, Puducherry.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : No Appearance

O R D E R

The Transfer Civil Miscellaneous Petition has been filed to transfer the I.D.O.P. No.66 of 2019, pending on the file of the Principal District Court, Tirunelveli to the file of the Family Court, Puducherry.

2.Learned counsel appearing for the petitioner/wife would submit that the marriage between the petitioner and the respondent was solemnized on 02.03.2006 at St.Andrew's Church, Reddiyar Palayam, Puducherry. Through their marital relationship, the petitioner gave birth to two minor children viz. Amif Rolina and Antony Yoban in the year 2007 and 2008 respectively. Meanwhile, due to domestic problems, the respondent/husband has filed instant petition for divorce in I.D.O.P.No.66 of 2019 on the file of the Principal District Court, Tirunelveli under Section 10 (i) (x) of the Indian Divorce Act.

3.According to the learned counsel appearing for the petitioner/wife, since the petitioner is residing at Puducherry with her two minor children along with her father, she finds very difficult to travel from Puducherry to Tirunelveli, which

is about 500 kms away from Puducherry and therefore, if the said I.D.O.P.No.66 of 2019 is transferred to the file of the Family Court, Puducherry, no prejudice will be caused to the respondent/husband.

4.As per the records maintained by the Registry, notice was served on the respondent on 10.06.2019 and private notice has also been taken by the learned counsel for the petitioner on 04.06.2019, but there is no representation on behalf of the respondent/husband either by engaging a counsel or by himself.

5.Taking note of the fact that although service is completed, the respondent has not chosen to appear before this Court, which shows that the respondent has no objection in allowing the petition. Therefore, this Court is inclined to transfer the I.D.O.P. No.66 of 2019, pending on the file of the Principal District Court, Tirunelveli to the Family Court, Puducherry.

6.Accordingly, the I.D.O.P.No.66 of 2019, pending on the file of Principal District Court, Tirunelveli is withdrawn and the same is transferred to Family Court, Puducherry.

7.The Principal District Court, Tirunelveli is directed to send the records relating to I.D.O.P.No.66 of 2019 to the Family Court, Puducherry forthwith and the Family Court, Puducherry is directed to dispose of I.D.O.P.No.66 of 2019 expeditiously in the manner known to law.

8.With the above direction, the Transfer C.M.P.No.415 of 2019 is allowed . No costs. Consequently, C.M.P. No.11683 of 2019 is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rst

To

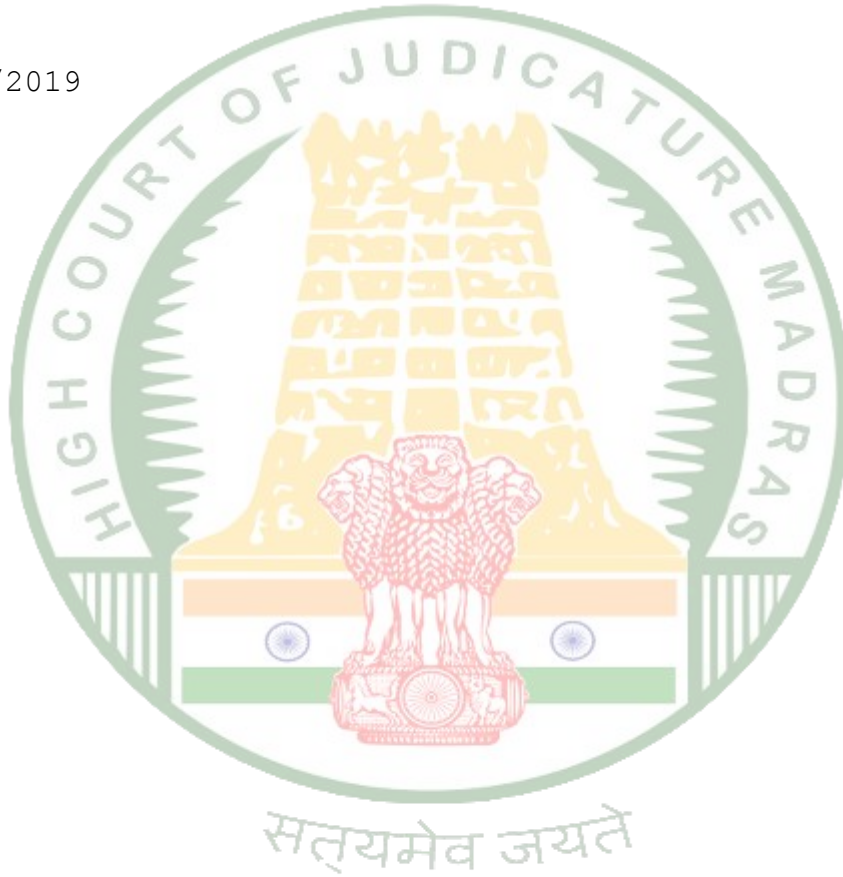
1.The Principal District Court,
Tirunelveli.

2.The Judge,
Family Court,
Puducherry.

+1cc to M/s.K.S.Karthik Raja, Advocate Sr.55265

Tr. C.M.P. No.415 of 2019
and C.M.P. No.11683 of 2019

sj[col]
srg 16/08/2019



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