

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 29.07.2019

CORAM:
THE HONOURABLE MR. JUSTICE T.RAJA

Transfer CMP. No.498 of 2019
and C.M.P.No.13932 of 2019

G.A.Yashphine Mary

..Petitioner

Vs

A.Solomon

..Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of the Civil Procedure, to withdraw the I.D.O.P.No.110 of 2019 from the file of the Family Court, Thiruvallur and transfer the same to the Sub Court, Tambaram.

For Petitioner : Mr.A.Punithavanan

For Respondent : Mr.P.Manickannan

O R D E R

Mrs.G.A.Yashphine Mary, Wife of A.Solomon, the respondent herein, having two children viz., Mas.Simon Benjamine aged about 2 years and Sashika Lincy aged about 5 years, has come to this Court seeking an order for withdrawal of pending I.D.O.P.No.110 of 2019 from the file of the Family Court, Thiruvallur and to transfer the same to the file of the Sub Court Tambaram, since there has been a distance of 85 kms between Kelambakkam and Tiruvallur, which could not be undertaken by her with two children.

2. It is also stated that after the marriage was solemnized on 23.05.2012 as per Christian religious rites and customs at St.Thomas Moore Church, Vappampattu, Lakshminarayanan Mahal, Tiruvallur District, they were blessed with the aforesaid two children. Later on, the respondent never showed any love and affection to the petitioner and the behaviour of the respondent became deteriorating from bad to worse and ultimately, became intolerable. Thereafter, the respondent filed IDOP No.110 of 2019 on the file of the Family Court, Tiruvallur for dissolution of the marriage. As the petitioner is living with her parents in Kelambakkam, Kanchipuram District, it is highly difficult for her to undertake such a long distance of 85 kms. Therefore, she has come to this Court for withdrawal of IDOP No.110 of 2019.

3. Mr.P.Manikannan, learned counsel for respondent sought time to file counter. But this Court, taking note of the fact that the petitioner is having two children viz., Mas.Simon Benjamine aged about 2 years and Sashika Lincy aged about 5 years, who are also going to school in Kelambakkam and that it is not possible for her to travel a distance of 85 kms with her two children, is inclined to allow the Transfer CMP. Accordingly, the Transfer CMP is allowed The IDOP No.110 of 2019 filed by the respondent is withdrawn from the file of the Family Court, Tiruvallur and transferred to the Sub Court, Tambaram. The Sub Court, Tambaram is directed to take up the case and dispose the same expeditiously on merits. No costs. Consequently, 13932 of 2019 is closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

vri

To

1. The Family Court,
Thiruvallur.
2. The Sub Court,
Tambaram.

+1cc to Mr.A.Punithavanan, Advocate, S.R.No.64539

+1cc to Mr.P.Manikannan, Advocate, S.R.No.64508

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RSV(CO)

RRS (22/08/2019)

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