

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.513 of 2019

and

C.M.P.No.14253 of 2019

John Louis Mary

... Petitioner

Vs.

John Joseph Bernadshaw @ Bernardshaw

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in IDOP.No.61 of 2018 from the file of the Family Court, Trichy and transfer the same to the file of the Family Court, Karaikal.

For Petitioner : Mr.S.Sounthar

For Respondent : Mr.C.Karthik

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking for transfer of IDOP.No.61 of 2018 pending on the file of the Family Court, Trichy, to the file of the Family Court, Karaikal.

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 16.06.2016 at St.Antny's Church, Kattur Trichy. Initially the petitioner and the respondent were lived happily, but in the due course, the respondent started to pick up quarrel with the petitioner unnecessarily and started to beat her along with his siblings. Thereafter, the petitioner was thrown out from the matrimonial home by the respondent and therefore, she is now residing with her parents at Karaikal.

3. It is further stated in the affidavit that the respondent filed a divorce petition in IDOP.No.61 of 2018 before the Family Court at Trichy, whereas the petitioner filed a maintenance petition in M.C.No.4 of 2019 before the Family Court at Karaikal. Since the petitioner's father is aged about 75 years, she could not travel to Trichy which is

about 156 Kms without a male companion, and further the respondent is already attending the hearings in the maintenance case filed by the petitioner at Karaikal and therefore, if the IDOP.No.61 of 2018 filed by the respondent is transferred to the Family Court at Karaikal, both the cases can be taken up simultaneously by fixing a common hearing date. Therefore, she seeks transfer of the same from the file of the Family Court, Trichy, to the file of the Family Court, Karaikal.

4. Denying the allegations of the petitioner, the respondent has filed a counter affidavit and submitted that after the marriage was solemnized on 16.06.2016 between himself and the petitioner, he was informed by the petitioner that she was not interested to marry him, she was completely forced by the parents to marry him and the marriage was happened without her proper consent. Further, the respondent has submitted that it is the petitioner who picked up unwanted quarrel with him and his family members and left the matrimonial home on 15.10.2016 and they have not sent out the petitioner from the matrimonial home. Moreover, the respondent has submitted that the petitioner was already examined as PW1 in the above maintenance case and the matter is now posted for RW evidence, and in the above divorce case, the petitioner has already engaged a counsel and therefore, it is needless for her to appear in-person for each and every hearing and she has to mark her presence only at the time of trial proceedings. Hence, he sought for dismissal of this transfer petition.

5. Though this petition has been filed seeking transfer of IDOP.No.61 of 2018 from the file of the Family Court, Trichy, to the file of the Family Court, Karaikal, after the mutual discussion, both the counsels have accepted to transfer the IDOP.No.61 of 2018 from the file of the Family Court, Trichy, to the file of the Family Court, Nagapattinam. Hence, this Court is inclined to transfer the same to the file of the Family Court, Nagapattinam.

6. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the IDOP.No.61 of 2018 pending on the file of the Family Court, Trichy, is withdrawn and transferred to the file of the Family Court, Nagapattinam. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Presiding Officer,
Family Court, Trichy.
2. The Presiding Officer,
Family Court, Nagapattinam.

+lcc to Mr.S.Sounthar, Advocate Sr.79754
+lcc to Mr.M.Ganes Babu, Advocate SR.79613

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srg 03/12/2019