

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.507 of 2019

L.Sheeba .. Petitioner

-vs-

S.Idhaya Chandran .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the I.D.O.P.No.95 of 2019 pending on the file of the Principal District Court, Tiruvallur to the Family Court, Cuddalore.

For Petitioner :: Mr.D.Baskar

For Respondent :: No appearance

ORDER

Mrs.L.Sheeba, Wife of Mr.S.Idhaya Chandran, the respondent herein has come to this Court seeking an order to withdraw the pending I.D.O.P.No.95 of 2019 from the Principal District Court, Tiruvallur to the Family Court, Cuddalore, wherein the D.V.O.P.No.23 of 2018 filed by her under Section 12 of the Domestic Violence Act claiming maintenance and other reliefs was disposed of with an order directing the respondent to pay Rs.10,000/- towards monthly maintenance and Rs.10,00,000/- towards compensation for the mental agony and cruelty suffered by her. Since I.A.No.1449 of 2018 has been filed by the respondent to set aside the ex parte order and the D.V.O.P.No.23 of 2018 is being contested on the file of Family Court, Cuddalore, I.D.O.P.No.95 of 2019 filed by the respondent seeking an order to dissolve the marriage under Section 10(i) of the Indian Divorce Act is also liable to be withdrawn from the Principal District Court, Tiruvallur and be transferred to the Family Court, Cuddalore.

2. Learned counsel for the petitioner also submitted that the petitioner may not be able to undertake a long journey of almost 250 kms., from Cuddalore to Tiruvallur every now and then.

3. None appeared for the respondent.

4. Since the petitioner has already filed D.V.O.P.No.23 of 2018 before the Family Court, Cuddalore under Section 12 of the Domestic Violence Act claiming maintenance and other reliefs and the Family Court, Cuddalore has passed an order directing the respondent to pay a sum of Rs.10,000/- towards monthly maintenance and also Rs.10,00,000/- towards compensation for the mental agony and cruelty suffered by the petitioner, I.A.No.1449 of 2018 has been filed by the respondent to set aside the ex parte order. When the case is being contested between the parties, I.D.O.P.No.95 of 2019 filed by the respondent on the file of the Principal District Court, Tiruvallur under Section 10(i) of the Indian Divorce Act is also liable to be transferred to the Family Court, Cuddalore for disposal on merits. Secondly, there has been a long distance of 250 kms., between Cuddalore and Tiruvallur. Hence, being satisfied with the reasons stated by the petitioner/wife, the I.D.O.P.No.95 of 2019 is withdrawn from the file of the Principal District Court, Tiruvallur and transferred to the Family Court, Cuddalore for expeditious disposal on merits. Accordingly, the transfer civil miscellaneous petition stands allowed. Consequently, C.M.P.No.14065 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District Judge
Tiruvallur

2.The Family Court Judge
Cuddalore

+1cc to Mr.D.Baskar Advocate, S.R.No.67162

KS(CO)
CB(12/09/2019)

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