

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.592 of 2019

and

C.M.P.No.17067 of 2019

R.Hepziba @ Gayathri

... Petitioner/Respondent

Vs.

J.Vijaythiyagarajan

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the petition in ICOP.No.183 of 2019 on the file of the learned Family Court Judge, Cuddalore and transfer the same to the file the District Court, Perambalur.

For Petitioner : Mr.S.Manivasagam

For Respondent : Mr.D.Ravichander

ORDER

This Transfer Civil Miscellaneous petition has been filed to withdraw the suit in IDOP.No.183 of 2019, pending before the learned Family Judge, Cuddalore and transfer the same to the file of the District Court, Perambalur.

2. The case of the petitioner is that she got married to the respondent on 11.02.2015 at Pethaniaya Parishutha Siluvayin Alayam Church, Melpattampakkam as per the Christian Customs and Traditions. After marriage, the petitioner and the respondent started their matrimonial life at Cuddalore and thereafter, they were residing at Salem. The petitioner is an Aeronautical Engineering graduate and at the time of marriage, she was working as an Assistant professor at Karunya University at Coimbatore. The respondent is a Dental Doctor, presently, he is working at JKKN Dental College Hospital at Namakkal.

3. The dispute arose between the parties is that the husband is alleging that the wife did not cohabit with him due to some physical and psychological problems. In spite of she promised

to resign the job and join the respondent, only respondent resigning the job at Panruti and came to Coimbatore to live along with the petitioner. In spite of the respondent taking steps, there was no matrimonial relationship between the parties. As per the contention of the husband, there was no cohabitation.

4. The petitioner submitted that the husband/respondent had gone away leaving her in the matrimonial home without any valid reason and she tried to contact the respondent several times through phone to take her back with him but the respondent refused to resume to matrimonial life.

5. The allegations and averments in the said OP go to show that the wife/petitioner feels that it is very difficult for her to travel from Perambalur to Cuddalore, which is around 320 km up and down as she has no one to accompany her and also that as the respondent family members are at Cuddalore, there is a possibility of assaulting the petitioner, hence she sought for transfer.

6. The learned counsel appearing for the respondent submitted that he has got no serious objection for transfer of IDOP.No.183 of 2019 from Cuddalore to Perambalur and he denied the averments that the respondent family will assault the petitioner and he also submitted that only she did not cooperate for marital life and the respondent had no other choice than to file the petition. Hence, he had filed a divorce petition.

7. This Court is of the view that the petitioner's prayer can be accepted and the IDOP.No 183 of 2019 pending before the Family Court, Cuddalore is transferred to the District Court, Perambalur and the parties are directed to maintain the discipline at Court when they are present in the Court for hearing and proceedings.

8. Accordingly, the Tr.C.M.P. is allowed and the IDOP.No.183 of 2019, pending on the file of the learned Family Court, Cuddalore, is withdrawn and transferred to the file of the learned District Court, Perambalur. No costs. Consequently, connected Miscellaneous Petition is also closed.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

To

1.The Judge, Family Court
Cuddalore.

2.The District Judge
The District Court,
Perambalur.

+2 CCS to Mr.S.Manivasagam, Advocate sr 87115.

Tr.C.M.P.No.592 of 2019
and C.M.P.No.17067 of 2017

VGI(CO)
SP(22/11/2019)