

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.698 of 2019

and

C.M.P.No.19792 of 2019

K.Sujatha

... Petitioner

Vs.

S.Dominic Ranjan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw F.C.I.D.O.P.No.157 of 2019 which is pending on the file of the Hon'ble Family Court Judge of Chengalpattu and transfer the same to the Hon'ble Family Court, Chennai.

For Petitioner : Mr.G.Pavendhan

For Respondent : No appearance

ORDER

The present Transfer Civil Miscellaneous Petition has been filed by the petitioner/wife seeking withdrawal of F.C.I.D.O.P.No.157 of 2019 pending before the Family Court, Chengalpattu and to transfer the same to the file of the Family Court, Chennai.

2.The case of the petitioner is that she got married to the respondent on 28.05.2011 at Our Lady of Lourdes Church, Madipakkam, Chennai - 600 091, as per Christian law. Out of the wedlock, a male child namely, Selvan D.Henry(aged about 7 years) was born on 05.03.2012 and a second male child namely, Selvan D.Patrick Dominic(aged about 4 years) was born on 30.04.2015.

3.It is further the case of the petitioner that the respondent lives in adultery and when the same was questioned by the petitioner, the respondent left the house and is living with his mother, who is also residing in the same apartment in another flat and has refused to come and join the petitioner. Further, to escape from the duty of a husband and clutches of law, the respondent has filed a petition seeking for divorce in F.C.I.D.O.P.No.157 of 2019 before the Family Court, Chengalpattu.

4.The learned counsel for the petitioner submitted that the respondent has not cared for the petitioner as well as the children for the past six months and her future life is in question and that their two sons, namely, Selvan D.Henry is studying in 3rd standard and the second son namely Selvan D.Patrick Dominic is studying in LKG at Holy Family Convent Matriculation Higher Secondary School, Keelkattalai, Chennai and the petitioner has to drop her children everyday to school in the morning and take them back in the evening. Therefore, she cannot go and attend the above case and further, it is unsafe for her to travel for more than 120 Kms up and down from Chennai to Chengalpattu to attend the case before the Family Court, Chengalpattu. Further, it is alleged that the husband/respondent also resides in the same apartment and he has wontedly filed the said petition before the Family Court, Chengalpattu. Hence, he prays for transfer of F.C.I.D.O.P.No.157 of 2019 on the file of the Family Court, Chengalpattu to the Family Court, Chennai.

5.Notice was issued to the respondent on 13.09.2019. The private notice was received by the respondent on 28.09.2019 and he has not chosen to appear before this Court and the notice sent through Court returned unclaimed. Hence, the respondent/husband is aware of the proceedings pending before this Court.

6.Therefore, this Court is inclined to allow the Transfer Civil Miscellaneous Petition and the Family Court, Chengalpattu is directed to withdraw F.C.I.D.O.P.No.157 of 2019 pending before the Family Court, Chengalpattu and transfer the same to the Principal Family Court, Chennai within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected civil miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

tsg

To

1.The Family Court,
Chengalpattu

2.The Principal Family Court,
Chennai.

+1cc to M/s.Pavendhan, Advocate SR.93941

TR.C.M.P.No.698 of 2019
and
C.M.P.No.19792 of 2019

VSNII (CO)
CB(31/01/2020)

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