

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.11.2019

Coram

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.791 of 2019
and
C.M.P.No.22310 of 2019

Rinimelina

...Petitioner

Vs.

Hariharasuthan

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Cr.P.C., to withdraw the case in IDOP. No.26 of 2019 on the file of the Principal District Judge, Tiruvannamalai and transfer the same to the file of the Family Court, Cuddalore.

For Petitioner : Mr.R.Sidharth
For Respondent : Mr.P.Vasanth

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner to withdraw the case in IDOP. No.26 of 2019 on the file of the Principal District Judge, Tiruvannamalai and transfer the same to the file of the Family Court, Cuddalore.

2. The case of the petitioner is that the respondent and the petitioner are husband and wife. The marriage between the parties was solemnized on 09.02.2017 at ALC Carmel Church, Vengikkal, Thiruvannamalai as per the Christian Rites and Customs. At the time of the marriage, the parents of the petitioner have gifted the jewels and household articles to the tune of Rs.5 lacks. Apart from that the entire marriage expenses were spent by the parents of the petitioner. After the marriage, the petitioner and the respondent are living together in the matrimonial home. After few days, there was a misunderstanding between the couples and they were living separately. Due to which, the respondent has filed a petition in IDOP. No.26 of 2019 for dissolution of marriage before the learned Principal District Judge, Tiruvannamalai. Thereafter, the petitioner has also filed a divorce petition in IDOP. No.135 of 2019 before the

learned Family Court, Cuddalore. The petitioner is a resident of Cuddalore. Hence, she seeks transfer of the case filed by the husband to Cuddalore.

3. The learned counsel for the petitioner would submit that the petitioner is now residing at Cuddalore along with her aged parents. The petitioner is unemployed and she is depending upon her parents to meet out her day-to-day expenses. Therefore, it will be very difficult for her to travel from Cuddalore to Tiruvannamalai for attending the Court proceedings. Hence, the petitioner seeks transfer of the case from Tiruvannamalai to Cuddalore.

4. The learned counsel for the respondent would submit that the respondent has denied all the allegation made by the petitioner. To avoid the unpleasant circumstances, he prays to transfer the case to any one of the Court at Villupuram.

5. Heard the learned counsel for the petitioner as well as the respondent and also perused the materials available on record.

6. It could be seen from the records that the petitioner and the respondent have filed two different petitions at two different places.

7. Considering the convenience of the parties and in order to avoid conflicting judgments, this Court is inclined to transfer the both petitions to Villupuram.

8. Accordingly, the petition in IDOP. No.26 of 2019 on the file of the Principal District Judge, Tiruvannamalai and IDOP. No.135 of 2019 on the file of the Family Court, Cuddalore are withdrawn and transferred to the file of the Family Court, Villupuram, to be tried together.

9. In the result, the Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

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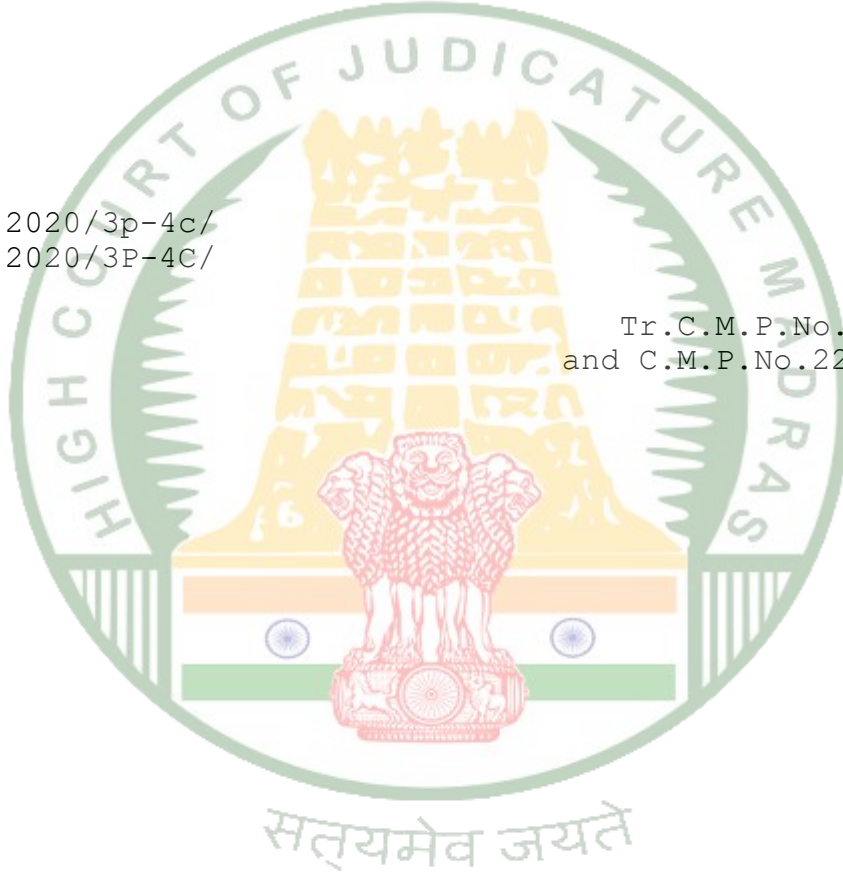
Sub Assistant Registrar

To

1. The Principal District Judge,
Tiruvannamalai.
2. The Judge,
Family Court, Cuddalore.
3. The Judge,
Family Court, Villupuram.

Akm/20.01.2020/3p-4c/
AKM/12.02.2020/3P-4C/

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