

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2019

Coram:

The Honourable Mr. Justice R. PONGIAPPAN

Transfer CMP No.827 of 2018
and C.M.P.No.20346 of 2018

V.Jayasree

Petitioner

Versus

S.Anand

Respondent

PRAYER: Transfer Civil Miscellaneous petition has been filed under Section 24 of the Civil Procedure Code to withdraw F.C.O.P.No.253 of 2018 from the file of Family Court at Vellore and to transfer the same to the file of the Family Court at Thiruvallur.

For Petitioner : Mr.B.Christ Das

For Respondent : No Appearance

O R D E R

The petitioner is the respondent in F.C.O.P.No.253 of 2018 pending on the file of the Family Court at Vellore. She has filed this application, seeking the relief to withdraw the above said F.C.O.P., from the file of the Family Court, Vellore and to transfer the same to the file of the Family Court at Thiruvallur.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was conducted on 29.11.2015, as per the Hindu rites and Customs. After the marriage, the petitioner was staying with the respondent at his house, at Vellore.

3. After some time from the date of marriage, due to the difference of opinion, the petitioner left the matrimonial home and joined with her parents at Thirunindravur situated near to the Thiruvallur District. After leaving the matrimonial home by the petitioner, the respondent herein filed an application before the Family Court at Vellore, seeking the relief of divorce. As of now, the said application has been pending with

the Family Court, Vellore in F.C.O.P.No.253 of 2018. In the said circumstances, the petitioner has approached this Court by way of filling this application for the prayer stated in the first paragraph of this Judgment.

4. According to the petitioner, she is not having any independent income, and she is depending upon her parents for her day to day expenses and travelling expenses. Further, the distance between Vellore and Thiruvallur is about 100 kms, it is very difficult for the petitioner to attend the Court proceedings at Vellore after travelling much a long distance.

5. In respect to the respondent, he has served with the notice on 06.12.2018. Subsequently, till date he has not appeared before this Court either directly or through the Advocate. So the non appearance of the respondent shows that, he has not having any grievances in respect to the transfer of the case.

6. It is relevant to see the Judgments of our Honourable Apex Court reported in 2008 (9) SCC 353 [Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta] and AIR 2002 SC 396 [Sumita Singh Vs. Kumar Sanjay and another]. So following the principle laid down by our Honourable Apex Court, in this case also considering the position and status of the petitioner it is very difficult for her to attend the Court proceedings at Vellore after travelling from Thiruvallur. Thereby, transferring the F.C.O.P.No.253 of 2018 to the Family Court, Thiruvallur, is convenient for the petitioner for attending the Court proceedings. Being a male member it is not difficult for the respondent to attend the Court proceedings at Thiruvallur.

7. In the light of the above discussions, the Transfer Civil Miscellaneous Petition is allowed. The case in F.C.O.P.No.253 of 2018 is ordered to be withdrawn from the file of the Family Court, Vellore, and to transfer the same to the file of the Family Court at Thiruvallur. The learned Judge, Family Court, Vellore, is directed to transmit all the records pertaining to F.C.O.P.No.253 of 2018 to the file of the Family Court, Thiruvallur, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such records, the learned Judge, Family Court, Thiruvallur is directed to dispose of the case as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar(CCC)

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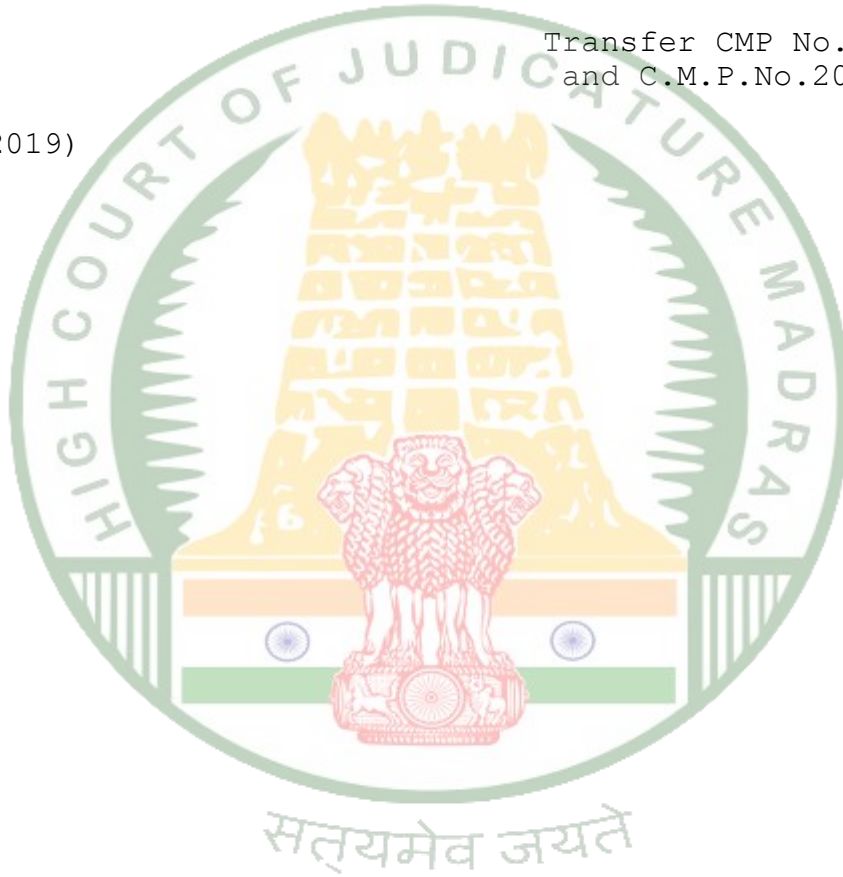
Sub-Assistant Registrar

To

1. The Family Court,
Vellore.
2. The Family Court,
Thiruvallur.

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SP (25/03/2019)



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