

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.02.2019

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.No.920 of 2018
and
C.M.P.No.22734 of 2018

J.S.Celine

...Petitioner

Vs.

J.Joseph Stephen

... Respondent

PRAYER : Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw the case in I.D.O.P.No.38 of 2008 pending on the file of the Hon'ble I Additional District Court, Trichirapalli and transfer the same to the file the Hon'ble V Additional Family Court, Chennai to be tried along with the case in M.C.No.383 of 2004.

For petitioner : Mr.S.Gopi

For respondent : Mr.Xavier Felix

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ORDER

This Transfer Civil Miscellaneous Petition is filed by the petitioner praying to withdraw the case in I.D.O.P.No.38 of 2008 pending on the file of the I Additional District Court, Trichirapalli and transfer the same to the file the V Additional Family Court, Chennai to be tried along with in M.C.No.383 of 2004.

2. The petitioner / wife is aged about 63 years and respondent husband is aged about 62 years. The respondent / husband filed a divorce petition in the year 2008 before the Additional District Court, Trichirapalli and it is still pending without reaching finality. The petitioner / wife also filed a maintenance case in M.C.No.383 of 2004, before the V Additional Family Court, Chennai.

3. Admittedly, the petitioner wife is residing at Chennai, whereas the husband filed divorce petition before the I Additional District Court, Trichy. The petitioner / wife seeks transfer on the ground of physical and mental hardship caused to her, age related ailments and for the convenience to attend the hearings of case.

4. Mr.Felix, learned counsel, enters appearance on behalf of the respondent has no serious objection. The learned counsel for the respondent submit that the dispute between the parties is pending from 2004 onwards and therefore, they seek earlier disposal of the cases.

5. Considering the facts and circumstances of this case, and the age related ailment of the petitioner, this Court is inclined to transfer I.D.O.P.No.38 of 2008 pending on the file of I Additional District Court, Tiruchirappalli to I Additional Family Court, Chennai, where the maintenance case filed by the wife is pending.

6. Considering the submissions made on either side I.D.O.P.No.38 of 2008 pending on the file of I Additional District Court, Trichirapalli is withdrawn and transferred to I Additional Family Court, Chennai to be tried along with M.C.No.383 of 2004.

7. Further, a direction is issued to the learned I Additional Family Court, Chennai to dispose of both the petitions, within a period of three months from the date of receipt of bundles from I Additional District Court, Trichirapalli.

8. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of with the above directions. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

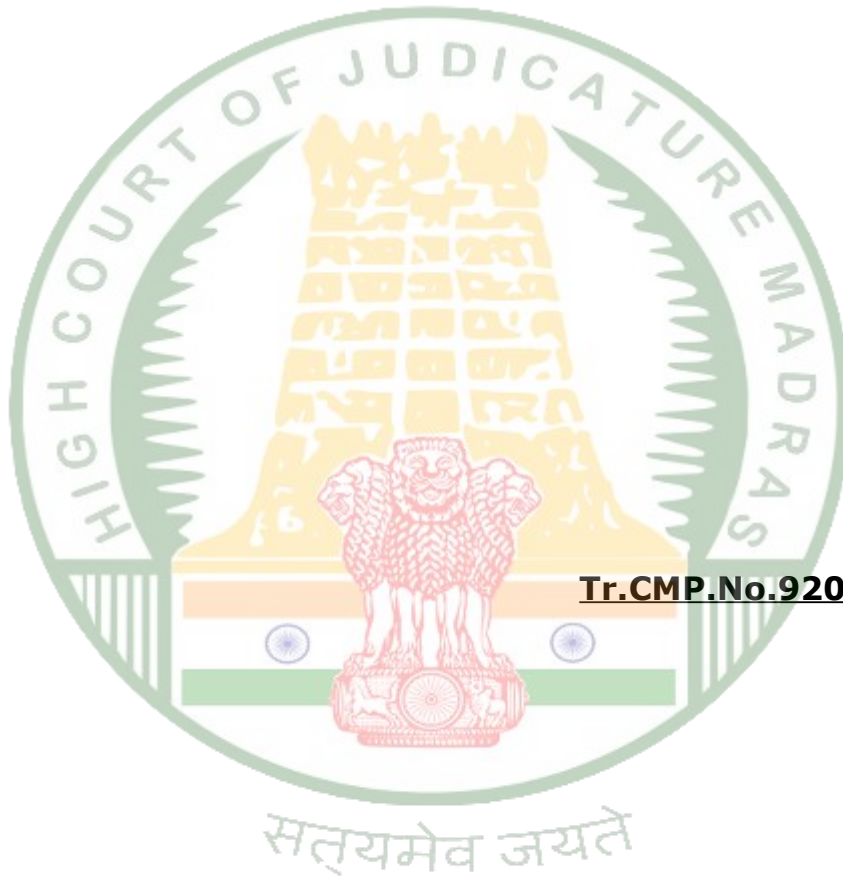
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M.GOVINDARAJ, J.

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