

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.873 of 2018

and

C.M.P.No.21538 of 2018

Grace Rebecca ... Petitioner / Respondent

Vs.

G.Ambrose Praveen ... Respondent / Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the F.C./I.D.O.P.No.26 of 2017 from the file of the learned Judge, Family Court, Chengalpattu and transfer the same to the learned Judge, Family Court, Vellore.

For Petitioner : Mr.R.John Sathyam

For Respondent : Mr.R.Hari Hara Mahadevan

ORDER

The petitioner/wife has filed this petition, seeking transfer of F.C./I.D.O.P.No.26 of 2017 from the file of the learned Judge, Family Court, Chengalpattu and transfer the same to the learned Judge, Family Court, Vellore.

2. It is stated in the affidavit filed in support of this petition that the marriage between the petitioner and the respondent was solemnized on 14.11.2014 at CSI Holy Church, Old Mysore Road, Ulsoor, Bangaluru, as per Chrishtian law and customs. Out of the wedlock, one female child was born. After marriage, due to misunderstanding, the petitioner and the respondent were living separately and now the petitioner is working and residing at Bengaluru along with her child.

3. It is also stated in the affidavit that the respondent has filed a petition in F.C./IDOP.No.26 of 2017 before the Family Court, Chengalpattu for dissolution of marriage. Since the petitioner is residing at Bengaluru along with her child, she could not travel to Chengalpattu to attend the Court proceedings in F.C./IDOP.No.26 of 2017, therefore she has filed this petition before this Court, seeking transfer of

F.C./IDOP.No.26 of 2017 on the file of the Family Court, Chengalpattu, to the file of the Family Court, Vellore District.

4. The learned counsel for the petitioner/wife would submit that the petitioner is working in Bangaluru and residing there along with her child. It is very difficult for her to travel from Bangaluru to Chengalpattu to attend the Court hearing. The sister of the petitioner is residing at Vellore. Hence, she prayed this Court to transfer the case from Chengalpattu to Vellore.

5. The learned counsel for the respondent would submit that all the submissions stated in the affidavit are false. He would further submit that the petitioner is not cooperating with the Court to dispose of the matter. Since the case was filed in the year 2017, till date, the petitioner has appeared before the Court only one day. Therefore, the learned counsel prays to dispose of the matter within a short period.

6. Heard the learned counsel for the petitioner and the learned counsel for the respondent, and perused the materials available on record.

7. The learned counsel for the petitioner has contended that it is very difficult for her to travel from Bangaluru to Chengalpattu for every hearing of the case and therefore, seeks transfer of F.C./I.D.O.P.No.26 of 2017 from the file of the learned Judge, Family Court, Chengalpattu and transfer the same to the learned Judge, Family Court, Vellore. The learned counsel for the petitioner has further submitted that she is ready and cooperated to speedy disposal of the same.

8. In view of the above submissions made by the petitioner and considering the convenience of the petitioner/wife, this Court is inclined to transfer the case in F.C./I.D.O.P.No.26 of 2017 from the file of the learned Judge, Family Court, Chengalpattu to the file of the learned Judge, Family Court, Vellore.

9. With the above direction, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

10. The Judge, Family Court, Vellore is directed to dispose of the matter as expeditiously as possible in accordance with law after receiving the documents from the file of the learned Judge, Family Court, Chengalpattu.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Judge, Family Court, Chengalpattu.

2. The Judge, Family Court, Vellore.

+1cc to Mr.R.Hari Hara Mahadevan , Advocate SR.No. 78336
TR.C.M.P.No.873 of 2018

and

C.M.P.No.21538 of 2018

A.SK(31/10/2019)