

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.66 of 2020

U.Jones Solomon Roche

...Petitioner

vs.

L.Lourdu Fousteen

...Respondent

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw I.D.O.P.No.28 of 2016 pending on the file of the Family Court, Salem and transfer the same to the file of the Principal or any of the Additional District Courts at Salem.

For Petitioner : Mr.S.L.Sudarsanam

O R D E R

The Petitioner/husband, has come up with this Petition seeking transfer of the Divorce proceedings in I.D.O.P.No.28 of 2016 from the file of the Family Court, Salem to the Principal or any one of the Additional District Courts at Salem, on the only ground that, the Presiding Officer of the Family Court, Salem, had remarked that, "the Petitioner/husband has intentionally stored all the controversial Whatsapp messages sent by the Respondent/wife in his Cell Phone", which, according to the Petitioner, is prejudicial.

2. Heard the learned counsel for the parties.

3. It appears that, the Respondent/wife had made derogatory remarks against the Petitioner/husband and his parents, through Whatsapp, which, the Petitioner/husband had stored in his Cell phone, without deleting.

4. In the Court proceedings, Presiding Officers are expected to pose questions and express views, which cannot be construed that, it will have a bearing on the matter, when it is disposed of on merits. More particularly, Presiding Officers in Family Courts are under extreme work pressure and they cannot be expected to be closemouthed without posing questions to the parties, as otherwise, issues between the parties could not be resolved. Hence, this Court is of the view that, it cannot, at any stretch of imagination be

construed that, the Presiding Officer of the Family Court, Salem, spoke with pre-determination.

5. As the reasons stated by the Petitioner/husband for transfer of the proceedings are not germane, this Court is of the view that, this is not a fit case for transfer. The Presiding Officer, Family Court, Salem, is expected to conclude the trial in I.D.O.P.No.28 of 2016, as expeditiously as possible, without adjourning the matter beyond 30 working days at any point of time, to bring the issue to a logical end.

6. The Transfer Civil Miscellaneous Petition is dismissed with the above observation. No costs. Consequently, connected C.M.P.No.2114 of 2020 is closed.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

(aeb)

To :

The Family Court, Salem.

+1cc to Mr.S.L.Sudarsanam, Advocate, S.R.No. 7983

Transfer C.M.P.No.66 of 2020

RK(CO)
GN(09/03/2020)

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