

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.90 of 2020

S.Ranjani

..Petitioner

-vs-

A.Samkumar

..Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the I.D.O.P.No.294 of 2019 on the file of the Family Court, Chengalpattu and transfer the same to the Principal Family Court, Chennai.

For Petitioner :: Mr.B.Mohan

For Respondent :: Mr.Nalinidhar.T for M/s Paul & Paul

ORDER

Heard learned counsel for the parties through video conferencing due to the Covid-19 pandemic.

2. The petitioner, Mrs.S.Ranjani married Mr.A.Samkumar, the respondent herein on 31.8.2017 at St.Antony's Church, Maduravoyal, Chennai and was leading a peaceful life. But that could not continue for a long time in view of the misunderstanding between them. Finally, the respondent has filed I.D.O.P.No.294 of 2019 before the Family Court, Chengalpattu seeking divorce under Section 10 of the Indian Divorce Act, 1869, wherein the petitioner also has entered appearance. The trial Court ordered for the counselling sessions to be conducted between the petitioner and the respondent and during the course of counselling, the petitioner tried her level best to convince the respondent to withdraw the divorce case and take back the petitioner to the matrimonial home. But the respondent was adamant on divorce. As the matter needs to be tried on proper appreciation of evidence and documents, the matter may be transferred to the Principal Family Court, Chennai, for the reason that the distance from Maduravoyal to Chennai is only 16 Kms. As the petitioner is working in a private firm in Walajah

Road, Chennai, it will be easy for her to appear before the Principal Family Court at Chennai.

3. Learned counsel appearing for the respondent, objecting the request for transfer, stated that since the respondent is working in Mahindra Renault Company at Chengalpattu, the matter need not be transferred.

4. Firstly, it has to be seen that the distance between Maduravoyal and Chennai is only 16 Kms., whereas from Maduravoyal to Chengalpattu, it is about 58 Kms. Secondly, the petitioner is also working in a private firm at Walajah Road, Chennai. Hence, accepting the balance of convenience in her favour, the transfer civil miscellaneous petition stands allowed and the I.D.O.P.No.294 of 2019 is withdrawn from the file of the Family Court, Chengalpattu and transferred to the file of the Principal Family Court, Chennai for an expeditious disposal on merits. Consequently, C.M.P.No.3263 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Judge, Family Court
Chengalpattu
2. The Principal Family Court Judge
Chennai

सत्यमेव जयते

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KKV/17/08/2020

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