

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.461 of 2020
and C.M.P. No.11074 of 2020

S.Pricilla PrincyPetitioner/1st Respondent

-vs-

1. S.Arunmurali1st Respondent/Petitioner

2. S.John Sathish2nd Respondent/2nd Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw DOP.No.240 of 2020 on the file of the Family Court Judge, Salem and transfer the same to the Additional District (Fast Track) Court, Mettur, Salem District.

For Petitioner : Mr.M.Senthilkumar

For 1st Respondent: Mr.R.Marudhachalamurthy

O R D E R

The Transfer C.M.P. has been filed seeking to withdraw DOP.No.240 of 2020 on the file of the Family Court Judge, Salem and transfer the same to the Additional District (Fast Track) Court, Mettur, Salem District.

2. Heard the learned Counsel on either side.

3. The marriage of the parties was solemnized on 27.04.2008 at Infant Jesus, Cathedral, Arisipalayam, Salem and subsequently, the same was also registered. After the marriage, they started leading happy matrimonial life in the 1st respondent's matrimonial house. Out of the said wedlock, firstly, a female child was born on 12.01.2009 and thereafter, a male child was born on 12.03.2017 to them. The 1st respondent is working as a teacher in V.Mettupalayam. In the meanwhile, due to some misunderstanding between them on a premise that both are having illicit intimacy with other persons, they got separated. It appears that the petitioner-wife has also given a complaint before Magudanchavadi Police Station against the 1st respondent-

husband and the 1st respondent has also made an allegation against the petitioner that she is also having illicit intimacy with the 2nd respondent herein. At this stage, the 1st respondent-husband has filed DOP.No.240/2020 on the file of the Family Court Judge, Salem, seeking divorce. Since the petitioner is having two children, one daughter aged about 11 and one son aged about 3 respectively under her custody, it is stated that it will be very difficult for her to undertake a journey from Mettur to Family Court, Salem to attend the court hearings.

4. Considering the facts and circumstances of the matter and also the fact that the petitioner wife is having two minor children under her custody, this Court is of the view that it is inconvenient for the petitioner-wife to travel from Mettur to Family Court, Salem to attend the court hearings. Therefore, on that ground, I am inclined to allow the present Transfer Civil Miscellaneous Petition. Accordingly, the DOP.No.240 of 2020 pending on the file of the learned Family Court Judge, Salem is withdrawn and transferred to the file of the learned Additional District (Fast Track) Judge, Mettur, Salem District, for expeditious disposal on merits.

5. With the above directions, the Transfer CMP is allowed. Consequently, connected CMP is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Family Court Judge, Salem.
2. The Additional District (Fast Track) Judge, Mettur, Salem District.

+1cc to Mr.R.Marudhachalamurthy, Advocate, Sr.No.36717
+1cc to Mr.M.Senthil Kumar, Advocate, Sr.No.36680

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rr ii (04/12/2020)