

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.46 of 2021
and
C.M.P.No.1934 of 2021

Mrs.V.Abirami @ Jennifer .. Petitioner

vs.

Mr.S.Samuel .. Respondent

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the I.D.O.P.No.2021 of 2020 from the file of the II Additional Family Court, Chennai and transfer the same to the file of the Family Court, Mannargudi.

For Petitioner : Mr.T.Rajkumar

For Respondent : M/s.R.Bamini

O R D E R

The petition for transfer is filed to transfer I.D.O.P.No.2021 of 2020 from the II Additional Family Court, Chennai to the Family Court, Mannargudi.

2. The marriage between the petitioner and the respondent was solemnized on 04.09.2019 as per the Christian Customs and Rituals. The petitioner and the respondent started their Matrimonial life and on account of certain difference of opinion, the petitioner states that she was forced to leave the Matrimonial home and now residing along with her parents at Mannargudi. The petitioner further states that she was driven out from the Matrimonial home and her mother is also ill and bed ridden, the petitioner has to take care of her mother and she has no other independent sources of income. His father is an agriculture coolie and therefore, they are struggling even to maintain the family and further, they have to repay the debts borrowed for the marriage of the petitioner.

3. It is stated that the parents of the petitioner had spent more money than their capacity and incurred debt. Under these circumstances, it would be difficult for her to travel

from Mannargudi to Chennai and contest the Divorce Petition filed by the respondent.

4. The learned counsel for the respondent states that he has to look after his aged parents and he is ready to pay the travelling expenses for the petitioner.

5. The learned counsel for the petitioner opposed the said contentions by stating that even the petitioner is taking treatment for eye problems and therefore, she will not be in a position to travel such a long distance to contest the case.

6. This Court is of the considered opinion that the place of wife is preferable for the purpose of adjudication of Matrimonial disputes. In the present case, the petitioner has stated that her father is an agriculture Coolie and the respondent/husband has completed M.Sc., (Visual Communication) and residing at Chennai. Therefore, the place of the petitioner would be appropriate for adjudication of the Matrimonial disputes.

7. In view of the facts and circumstances, the I.D.O.P.No.2021 of 2020 pending on the file of the II Additional Family Court, Chennai stands transferred to the Family Court, Mannargudi.

8. Accordingly, this Transfer Civil Miscellaneous Petition No.46 of 2021 stands allowed and I.D.O.P.No.2021 of 2020 pending on the file of the II Additional Family Court, Chennai, is directed to be transferred to the Family Court, Mannargudi. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judge,
II Additional Family Court, Chennai.

2.The Judge,
Family Court, Mannargudi.

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+2cc to M/s.P.A.K.Prakash, Advocate SR.13002

Tr.CMP No.46 of 2021

SR II(CO)
CB(18/03/2021)



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