

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2021

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.139 of 2021
and
C.M.P.No.4227 of 2021

Mrs.Sabina Roseline Xavier .. Petitioner

vs.

Mr.Dravidan.K .. Respondent

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the I.D.O.P.No.173 of 2020 pending on the file of the Hon'ble Family Court, Krishnagiri, and to transfer the same to the Family Court, Chennai.

For Petitioner : M/s.G.Savitha

For Respondent : M/s.Ramapriya Gopalakrishnan

O R D E R

The petition for transfer is filed to transfer I.D.O.P.No.173 of 2020 from the Family Court, Krishnagiri to the Family Court, Chennai.

2. The marriage between the petitioner and the respondent was solemnized on 24.05.2013 as per the Christian Rites and Customs. On account of the difference of opinion, the petitioner and the respondent are living separately. A female baby born from and out of the wedlock and the girl is now aged about 5 years. The petitioner is living along with her mother and the child is with her. The allegations raised in the transfer petition are to be adjudicated before the competent Court based on the documents and evidences to be submitted by the respective parties.

3. As far as the transfer petition is concerned, the petitioner has stated that she has lost her job on account of COVID-19 Pandemic situation and therefore, she has to depend her mother and now she has to take care of the child aged about 5 years. Under these circumstances, she is not in a position to

travel and contest the Divorce Petition filed by the respondent/husband in I.D.O.P.No.173 of 2020.

4. It is brought to the notice of this Court that the respondent/husband is working at Bangalore. Therefore, he is not residing at Krishnagiri. In view of the fact that the respondent is working at Bangalore and he has filed a case at Krishnagiri, this Court is of an opinion that the place of the petitioner/wife is preferable for the purpose of adjudication of the Matrimonial disputes as the petitioner is not employed and has to look after the minor child.

5. This being the facts and circumstances, this Transfer Civil Miscellaneous Petition No.139 of 2021 stands allowed and the I.D.O.P.No.173 of 2020 now pending on the file of the Family Court, Krishnagiri, is directed to be transferred to the VI Additional Family Court, Chennai, to be tried along with M.C.No.57 of 2021. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Judge,
Family Court, Krishnagiri.

2.The Judge,
VI Additional Family Court, Chennai.

+1cc to M/s.Ramapriya Gopalakrishnan, Advocate, S.R.No.21268

Tr.CMP No.139 of 2021

PM(CO)
KM(30/04/2021