

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05-01-2021

Coram

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.200 of 2020

And

C.M.P.No.6129 of 2020

Angeline Jenita ... Petitioner

vs.

1.Irudhaya Jayaraj

2.Surya Robin .. Respondents

Transfer CMP is filed under Section 24 of the Civil Procedure Code to withdraw IDOP No.4379 of 2019 pending on the file of the I Additional Family Court, Chennai and transfer the same to the file of the Additional Family Court, Coimbatore, to be tried along with DOP.NO.1810/2019.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : No Appearance

ORDER

The petition for transfer is filed to transfer IDOP No.4379 of 2019 from the I Additional Family Court, Chennai to the Additional Family Court, Coimbatore.

2. Marriage between the petitioner and the first respondent was solemnized on 16.07.2018.

3. The petitioner filed divorce petition in IDOP No.1810 of 2019 before the Additional Family Court, Coimbatore for a decree of dissolution of marriage on the ground of willful refusal to consummate the marriage.

4. The first respondent filed a petition in IDOP No.4379 of 2019 on the file of the I Additional Family Court at Chennai on the grounds of adultery and cruelty. Both the parties are disputing the

grounds in their respective petitions.

5. The present transfer petition is filed by the petitioner to transfer the divorce petition filed by the respondent in IDOP No.4379 of 2019 to the Additional Family Court at Coimbatore for joint trial.

6. The reasons stated by the petitioner is that now she is employed as a Teacher in G.Ramasamy Naidu Matric Higher Secondary School, Peelamedu, Coimbatore and residing along with her parents. In view of the fact that she has recently joined as a Teacher in the abovesaid school, it would be very difficult for her to come all along from Coimbatore to attend the Court proceedings at Chennai. However, the first respondent is a B.E.Graduate and employed as Technical Support Engineer in a Company, namely, IRSM Private Limited at Annanagar, Chennai. Therefore, divorce petition filed by the first respondent is to be transferred to Additional Family Court at Coimbatore.

7. Learned counsel for the petitioner states that the petitioner is working as Teacher and looking after her aged parents. Under these circumstances, it would be very difficult for the petitioner to travel from Coimbatore to Chennai in order to defend the divorce petition filed by the first respondent.

8. This being the factum, IDOP No.4379 of 2019 pending on the file of the I Additional Family Court, Chennai stands transferred to the file of the Additional Family Court at Coimbatore and the same is to be tried along with IDOP No.1810 of 2019.

9. Accordingly, this Transfer Civil Miscellaneous Petition No.200 of 2020 stands allowed and IDOP No.4379 of 2019 pending on the file of the I Additional Family Court, Chennai is directed to be transferred to the file of the Additional Family Court at Coimbatore and the same is to be tried along with IDOP No.1810 of 2019. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

Svn

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To

- 1.The I Additional Judge,
I Additional Family Court,
Chennai.
- 2.The Additional Judge,
Additional Family Court,
Coimbatore.

Tr.CMP No.200 of 2020

MGR (CO)
UM (11.02.2021)



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