



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.250 of 2021
and
C.M.P. No.6898 of 2021

Mettilda Seritty @ Mettilda

.. Petitioner

Vs

Isaac Jeba Jean

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw and transfer I.D.O.P. No.338 of 2019, pending on the file of the Hon'ble Family Court, Nagercoil and transfer the same to the file of the Principal Family Court, Chennai.

For Petitioner : M/s. Paul and Paul

For Respondent : No appearance

O R D E R

Though notice sent through Court as well as private was served on the respondent as early as on 21.04.2021 and 24.04.2021 respectively, there is no representation on behalf of the respondent. Hence this Court is inclined to dispose of the matter based on available materials.

2. This petition is filed to withdraw I.D.O.P. No.338 of 2019, pending on the file of the Family Court, Nagercoil and transfer the same to the file of the Principal Family Court, Chennai. The petitioner is the wife. The respondent husband filed a petitioner for dissolution of marriage in I.D.O.P. No.338 of 2019 before the Additional District and Sessions Judge, Padmanapapuram. Later it was transferred to Family Court, Nagercoil. Learned counsel for the petitioner submits that the petitioner is residing and working as a Lab Technician at Chennai and that it will be difficult for her to travel from Chennai to Nagercoil for every hearing of the case. He further submits that the petitioner wife seeks transfer of case mainly on the ground of convenience.



3. In a petition filed by the husband for divorce, the convenience of wife is relevant. Having regard to the facts narrated in the affidavit filed in support of this petition, this Court is fully convinced that the petitioner should not be put to much inconvenience by travelling such a long distance. Hence this Court is inclined to allow this petition. Accordingly, I.D.O.P. No.338 of 2019, pending on the file of Family Court, Nagercoil is hereby withdrawn and transferred to Principal Family Court, Chennai.

4.. This transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

bkn

To

1. The Family Court, Nagercoil.
2. The Principal Family Court, Chennai.

+1cc to M/s. Paul and Paul, Advocate, S.R.No.29236

Tr. C.M.P. No.250 of 2021

RSV(CO)
RLP(20/07/2021)