



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.381 of 2021
and
C.M.P.No.8778 of 2021

[Through video conferencing]

F.Dalphin Mary ...Petitioner/Respondent
-vs-

C.Samraj ...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdrawn and transfer the proceedings in F.C.I.D.O.P.No.59 of 2021 on the file of the Family Court, Chengalpet, Chengalpet District and transfer the same to the file of the Family Court, Nagercoil at Kanyakumari District to be heard and dispose off on the normal course.

For Petitioner : Mr.K.G.Senthilkumar

For Respondent : Mr.C.Samraj (Party in person)

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdrawn and transfer the proceedings in F.C.I.D.O.P.No.59 of 2021 on the file of the Family Court, Chengalpet, Chengalpet District and transfer the same to the file of the Family Court, Nagercoil at Kanyakumari District.

2.The respondent/husband has filed F.C.I.D.O.P.No.59 of 2021 before the Family Court at Chengalpet for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is having two children aged about 7 ½ and 2 ½ years and she is residing with her aged parents at her native town. The distance between the kanyakumari and Chengalpet is around 650 kms. Moreover, the petitioner has no source of income and she is depending on her aged father who was a retired person and in this circumstances, it is very difficult for the petitioner to travel from kanyakumari to Chengalpet for



attending the Court on every hearings in F.C.I.D.O.P.No.59 of 2021. Therefore, he seeks to transfer the case from Chengalpet to Kanyakumari.

4.The respondent/husband has no objection to transfer the case from Chengalpet to Kanyakumari.

5.Heard the learned counsel for the petitioner and the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and the submissions made for the petitioner and the respondent, this Court is inclined to transfer the case to the file of the Family Court, Nagercoil at Kanyakumari District.

7.Accordingly, F.C.I.D.O.P.No.59 of 2021 is withdrawn from the file of the Family Court at Chengalpet, Chengalpet District and transferred to the file of the Family Court, Nagercoil at Kanyakumari District, for disposal as per law. The Family Court at Chengalpet is directed to transmit the papers to the file of the Family Court, Nagercoil at Kanyakumari District, forthwith. The learned Family Judge at Nagercoil at Kanyakumari is directed to dispose of the case in F.C.I.D.O.P.No.59 of 2021 on merits and in accordance with law as expeditiously as possible.

8.In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssi
To:

1. The Family Court, Chengalpet.

2.The Family Court, Nagercoil, Kanyakumari.

+1 CC to M/s.K.G.Senthil Kumar, Advocate, Sr.No. 41340.

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SJ(CO)
LS(14/09/2021)