

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.440 of 2020
and
C.M.P.No.9436 of 2020

Amrit Cynthia Pillai.V

.. Petitioner

vs.

Felix Marai Eyan.J

.. Respondent

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw and transfer I.D.O.P.No.78 of 2019 on the file of the Principal District Judge, Tirunelveli and transfer the same to the District Family Court, Vellore.

For Petitioner : M/s.S.Padma

O R D E R

The petition is filed to transfer I.D.O.P.No.78 of 2019 from the Principal District Judge, Tirunelveli to the District Family Court, Vellore. .

2. The marriage between the petitioner and the respondent was solemnized on 13.12.2009 at St.Joseph Church, Ambasamudram, Thirunelveli District as per the Christian Rites and Customs. The petitioner and the respondent started their matrimonial life happily and two children were born, from and out of wedlock. The petitioner and the respondent were living Dubai and on account of difference of opinion, they were living separately. The petitioner states that since she was continuously harassed and torched physically by the respondent and his family members, she was forced to leave the matrimonial home along with her children.

3. However, those allegations are to be adjudicated before the trial Court. This Court cannot make any finding or opinion with reference to the allegations made out in the petition. As far as the transfer petition is concerned, the learned counsel for the petitioner states that the elder son is studying in V standard in Seema Nursery Primary School Vellore

and the second son is studying in II standard in the same school. Both children are studying in the school and the petitioner is now residing with her old age parents. The petitioner is unemployed and she is depending upon her parents. Under these circumstances, she is not in a position to travel all along from Vellore to Thirunelveli to defend the case filed by the respondent in I.D.O.P.No.78 of 2019 for dissolution of marriage and she has to take care of two children, who are all school going.

4. In view of the facts and circumstances, this Court is inclined to consider the present petition for transfer. Accordingly, I.D.O.P.No.78 of 2019 pending on the file of the Principal District Court, Thirunelveli stands transferred to the District Family Court, Vellore and consequently, the Transfer Civil Miscellaneous Petition No.440 of 2020 stands allowed. However, there shall be no order as to costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

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SSB
To

Sub Assistant Registrar

- 1.The Judge,
Principal District Court, Tirunelveli.
- 2.The Judge,
District Family Court, Vellore.

+1cc to M/s.S.Padma, Advocate in SR.NO..4690

Tr.CMP.No.440 of 2020

SSV(CO)
rv(11/02/2021)

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