

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 25-01-2021
Coram
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
Tr.C.M.P.No.477 of 2020
And
C.M.P.No.11709 of 2020

L.Angelin Diana .. Petitioner

vs.

Arunkumar ... Respondent

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code to withdraw and transfer OP No.1487 of 2020 on the file of the Family Court II, Chennai and transfer the same to the file of the Family Court, Villupuram to be tried along with O.P.No.92 of 2020.

For Petitioner : Mr.M.Baskar

For Respondent : Ms.Manjula Chavan

O R D E R

The Transfer Civil Miscellaneous Petition is filed to transfer OP No.1487 of 2020 from the file of the Family Court II, Chennai to the file of the Family Court at Villupuram.

2. The marriage between the petitioner and the respondent was solemnized on 27.09.2012 as per Christian Rights and Customs at Koilpatti.

3. The spouses started their matrimonial home happily and on account of difference of opinion, the petitioner is forced to live separately. Many allegations are raised in the transfer, which deserve no merit consideration, as all such allegations are to be adjudicated in the OP pending before the Trial Court.

4. As far as the present Transfer Civil Miscellaneous Petition is concerned, learned counsel for the petitioner states that the petitioner is unemployed and having a boy studying II Standard in a school at Villupuram and therefore, she is not in a position to travel all along from Villupuram to Chennai to attend the case on every hearing.

5. Learned counsel for the respondent states that the petitioner is financially in sound position and she is capable of attending the Courts proceedings in Chennai.

6. This Court is of the considered opinion that the petitioner has to take care of her school going boy studying II Standard in one of the School at Villupuram and under these circumstances, the balance of convenience is to be taken into consideration for the purpose of transferring the case from Chennai to Villupuram.

7. This being the factum, OP No.1487 of 2020 pending on the file of the Family Court at Chennai stands transferred to the file of the Family Court at Villupuram and the same is to be tried along with OP No.92 of 2020.

8. Accordingly, this Transfer Civil Miscellaneous Petition No.477 of 2020 stands allowed and OP No.1487 of 2020 pending on the file of the Family Court II at Chennai is directed to be transferred to the file of the Family Court at Villupuram. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Judge,
Family Court II,
Chennai.

2. The Judge,
Family Court,
Villupuram.

Tr.CMP No.477 of 2020

BS(CO)
CSR 11.03.2021