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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.CMP. No.416 of 2021
and
C.M.P.No.9978 of 2021

Arockiamary

... Petitioner

-Vs-

Anbrarasu

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw I.D.O.P.No.150 of 2018 on the file of the learned District Judge, Villupuram, and transfer the same to the file of the learned Judge, Family Court, Chennai.

For Petitioner : Mr.V.Palpandi

For respondent : Notice served - No appearance

ORDER

The wife is the petitioner before this Court seeking to withdraw I.D.O.P.No.150 of 2018 filed by her for divorce on the file of the learned District Judge, Villupuram, and transfer the same to the file of the learned Judge, Family Court, Chennai.

2.The marriage between the petitioner and the respondent took place on 16.05.2021 at Valliyur Fatima Annai Church as per Christian rites and customs. Out of wedlock, they had a son, namely, Houston Anto and a daughter namely Denisha. After marriage, the respondent ill-treated the petitioner continuously. The respondent and his mother trespassed into the petitioner's house after eight years of separation, and threatened her with dire consequences, the petitioner lodged a complaint to the Tiruppur Police Station. Thereafter, the petitioner obtained voluntary transfer from Municipality School, Tirupur to Union Middle School, Velakuruchi, Kallakurichi, Villupuram District. Now, the petitioner is residing at Chennai with her children. After separation of fourteen years, the petitioner filed I.D.O.P.No.150 of 2018 on the file of the



learned District Judge, Villupuram, for divorce.

3.The petitioner/wife would seek to have the transfer on the following grounds:

"(a)The petitioner is residing at Chennai along with her children.

(b)The petitioner wife would submit that the distance between her residence and the District Court, Villupuram, is far and she cannot travel each time to attend the hearings.

(c)Further, the petitioner has no one to accompany her to the District Court, Villupuram, or to support her financially."

4.Since the respondent had not received the notice sent to his last known address the petitioner was permitted to serve his counsel. Despite the counsel having been served with the notice neither had the respondent appeared before this Court nor has he engaged a counsel.

5.Heard the learned counsel for the petitioner and perused the papers.

6.Considering the fact that the petitioner/wife is residing at Chennai with her children and considering the distance between Chennai and the Villupuram, this Court is of the view that in the interest of Justice I.D.O.P.No.150 of 2018 pending on the file of the learned District Court, Villupuram, is withdrawn and transferred to the file of the Family Court, Chennai. The learned Principal Family Judge, Family Court, Chennai shall assign the case to a Court. No costs. Consequently, connected Miscellaneous Petition is closed.

Considering the fact that I.D.O.P. is of the year 2018 and pleadings have been completed, learned Judge, Family Court, Chennai, to whom the IDOP is assigned shall dispose of the case within six months from the date of receipt of a copy of this order. The presence of the respondent husband is dispensed with before the Family Court except for adducing evidence and attending counselling.

Sd/-

Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar



mps

To

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1. The District Judge,
Villupuram.
2. The Principal Family Judge,
Family Court, Chennai.
3. The Judge,
Family Court, Chennai.

+1cc to Mr.V.Palpandi, Advocate SR.No.16329

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MT(CO)
GMY(13/04/2022)