



WEB COPY

Tr.C.M.P.No.851 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.851 of 2022

and

C.M.P.No.14535 of 2022

Jiji Evanjeline

... Petitioner

Vs.

John William Jebaoli

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the IDOP No.16 of 2021 pending on the file of the Principal District Court, Thiruvallur and transfer the same to Chennai.

For Petitioner : Mrs.V.Anuradha

For Respondent : Mr.V.M.Venkata Ramana



ORDER

The petition for transfer is filed to withdraw the I.D.O.P No.16 of 2021 pending on the file of the Principal District Court, Thiruvallur and transfer the same to Chennai.

2. The marriage between the petitioner/wife and the respondent/husband was solemnised on 06.12.2019 at Arcot Lutheran Church, Kallakuruchi as per the Christian Rites and Customs. The petitioner and the respondent were not even lived for six months from the date of marriage and due to misunderstanding, they are living separately. Admittedly, the respondent is now residing and working in Australia. The respondent instituted I.D.O.P No.16 of 2021 for Dissolution of Marriage on the ground of cruelty before the Principal District Court, Thiruvallur. During the relevant point of time, the petitioner was residing at Thiruvallur and now the learned counsel for the petitioner states that she has shifted her residence from Thiruvallur to Srinagar Colony, Saidapet.

3. The learned counsel for the petitioner stated that she is living alone. She has no support even from her parents. Under these



circumstances, she cannot travel and contest the case filed by the respondent for divorce at Thiruvallur.

WEB COPY

4. The learned counsel for the respondent objected the said contention by stating that the case is posted for marking documents before the Court at Thiruvallur and transferring this case would cause prejudice to the respondent. The respondent is appearing through video conferencing and therefore, the petition is to be rejected. The same facility can be availed by the respondent even if the case is transferred to the Family Court at Chennai.

5. As far as the transfer is concerned, the petitioner / wife is residing at Saidapet, Chennai and she is living alone and has to take care of her livelihood. Under those circumstances, she may not be in a position to travel and contest the case at Thiruvallur. Though the distance is less, the travel in city is difficult for her and under these circumstances, the place of wife is to be preferred for the purpose of conducting matrimonial cases.



6. Considering the facts and circumstances, the I.D.O.P No.16 of 2021 pending on the file of the Principal District Court, Thiruvallur stands transferred to the Family Court at Chennai forthwith. The Principal District Court, Thiruvallur is directed to transmit the case papers to the Family Court at Chennai, within a period of four (4) weeks from the date of receipt of a copy of this order.

7. On verification from the Family Court Registry it is found that there is a procedure for filing applications through Power of Attorney on the case. The applicant is residing in abroad and not in a position to appear in person and present the case. The petitioner in the present case is at liberty to avail the benefit of such procedure and pursue his case.

8. With the abovesaid directions, the Transfer Civil Miscellaneous Petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

12.12.2022

Jeni
Index : Yes
Speaking order



WEB COPY

Tr.C.M.P.No.851 of 2





To

1. The Judge,
Principal District Court,
Thiruvallur.

2. The Judge,
Family Court,
Chennai.

Tr.C.M.P.No.851 of 2





WEB COPY

Tr.C.M.P.No.851 of 2



S.M.SUBRAMANIAM, J.

Jeni

Tr.C.M.P.No.851 of 2022

12.12.2022