



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.04.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.776 of 2021
and
C.M.P.No.18219 of 2021

A.Saral Sarojini

... Petitioner/Respondent

Vs

C.Rajasekar

... Respondent/ Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the case in IDOP No.42 of 2021 on the file of the Principal Court at Theni and transfer the same to the Family Court at Chennai to be tried on merits and thus render justice.

For Petitioner : Mr.I.John Arockiadas
For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the respondent/wife who is the petitioner before this Court seeking to transfer I.D.O.P. N.o.42 of 2021 filed by the respondent/husband on the file of the Principal Court at Theni to the file of the Family Court at Chennai.

2. The grounds on which the transfer is sought for is that she and her husband were living at Pudupet, Chennai after the marriage and the respondent is working in Sun TV at MRC Nagar, Chennai. Now the respondent is living at Ambatur and the petitioner is also living at Ambatur along with her parents. Despite this respondent/husband has filed the proceedings for restitution of conjugal rights on the file of the Principal Court at Theni. The only reason for filing this petition at Theni appears to be to harass the petitioner. She has also stated that she has not received a copy of the petition from the District Court and she had only received a Court notice without



any enclosure. She would further submit that she has addressed a letter to the Sheristadar Head Clerk Collectorate, District Court Theni on 08.09.2021 informing the Court that she has not received any copies of the petition and the affidavit or the documents.

3. While so, the matter appears to be posted for mediation which has not been agreed to by the petitioner/respondent herein. She would submit that she and her daughter are living with her parents and the respondent who has filed an application for restitution of conjugal rights has not cared to give maintenance to the petitioner or his infant daughter. It also appears that the Principal District Court, Theni is sought to be conferred jurisdiction only on account of the fact that the marriage had taken place there. However the parties have lived together only at Pudupet, Chennai which comes within the jurisdiction of Chennai and the respondent is working in Chennai. The petitioner is also residing at Chennai.

4. The respondent though served has not entered appearance either in person or through counsel.

5. Therefore, considering the aforesaid reasons and the fact that both the parties are living in Chennai the Transfer Civil Miscellaneous Petition is allowed and I.D.O.P.No.42 of 2021 pending on the file of the Principal Court at Theni is withdrawn and transferred to the file of the Family Court at Chennai. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Judge, Principal Court at Theni.

2.The Judge, Family Court at Chennai.

+1 cc to Mr.I.John Arockiadas, Advocate Sr.NO. 24241

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NMI (CO)
A.SK(28/04/2022)