



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.942 of 2021
and
C.M.P.Nos.21085 & 21086 of 2021

D.Margrate Benitha ... Petitioner/Respondent

Vs

Mr.P.John Peter ... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw D.V.O.P. No.13 of 2020 pending before Kanchipuram District and Sessions Court No.II and to transfer the same to the III Additional Family Court, Chennai.

For Petitioner : G.Arun Kumar

For Respondent : Not ready in notice.

ORDER

The respondent/wife has filed the above Transfer Civil Miscellaneous Petition seeking to transfer D.V.O.P No.13 of 2020 filed by the husband on the file of the District Judge, Kanchipuram to the file of the III Additional Family Court, Chennai.

2. She would base her request for transfer on the ground that she is residing at Kodungaiyur, within the jurisdiction of the Family Court at Chennai, and she has already filed M.C.No.230 of 2021 for claiming maintenance and I.D.O.P. No.3346 of 2021 for Restitution of Conjugal Rights on the file of the Family Court, Chennai. The respondent who has been served with the private notice on 12.01.2022, has not entered appearance through counsel or in person.



3. Taking into account the fact that the petitioner is living within the jurisdiction of the Family court at Chennai and also taking note of the fact that the petitioner has already instituted proceedings before the III Additional Family Court Chennai, the Transfer Civil Miscellaneous Petition is allowed, D.V.O.P. No.13 of 2020 pending on the file of the Kanchipuram District and Sessions Court No.II is withdrawn and transferred to the file of the III Additional Family Court Chennai, to be tried along with M.C.No.230 of 2021 and I.D.O.P.No.3346 of 2021. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

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To

1.The District and Sessions Court No.II,
Kanchipuram.

2.The III Additional Family Court, Chennai.

Tr.CMP. No.942 of 2021

RP(CO)
CB(22/03/2022)