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Tr.C.M.P.No.807 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.807 of 2022

and

C.M.P.No.13944 of 2022

Maria Divya J

... Petitioner

Vs.

Raja alias Arul Raja

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the SPL.Marriage O.P.No.253/2021 pending on the file of the District Court, Tiruchirappalli and to order transfer of the same to the District Judge, Combined Courts building, Tiruvallur.

For Petitioner : Mr.V.Jai Bharath

For Respondent : No Appearance
(Notice Served)

ORDER

The petition for transfer is filed to withdraw the SPL.Marriage O.P.No.253/2021 pending on the file of the District Court, Tiruchirappalli



and to order transfer of the same to the District Judge, Combined Courts building, Tiruvallur.

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2. The marriage between the petitioner and the respondent was solemnised on 04.09.2017 as per the Christian Rites and Customs. The petitioner and the respondent left the matrimonial home and living separately. A female child was born from and out of wedlock between the petitioner and the respondent. The respondent filed SPL. Marriage O.P.No.253 of 2021 before the District Court, Tiruchirappalli for divorce.

3. The learned counsel for the petitioner states that the petitioner is now residing at Avadi and she has to take care of her minor child aged about 4 years. Therefore, she is not in a position to travel all along to Tiruchirappalli and contest the case filed by the respondent in SPL.Marriage O.P.No.253 of 2021.

4. The residence of wife is preferable in respect of conducting trial of matrimonial disputes. In the present case, the petitioner is residing at Avadi, Chennai and she has to maintain her 4 year old child. Considering the facts



and circumstances, the SPL. Marriage O.P.No.253 of 2021 before the District Court, Tiruchirappalli stands transferred to the District Judge, Combined Courts Buildings, Tiruvallur forthwith. The District Court, Tiruchirappalli is directed to transmit the case papers to the District Judge, Combined Courts Buildings, Tiruvallur, within a period of four (4) weeks from the date of receipt of a copy of this order.

5. 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.

06.12.2022

Jeni
Index : Yes
Speaking order

To

- 1.The Judge,
District Court,
Tiruchirappalli.
- 2.The District Judge,
Combined Courts Buildings,
Tiruvallur.



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S.M.SUBRAMANIAM, J.

Jeni

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