



WEB COPY

Tr.C.M.P.No.1020 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1020 of 2022

and

C.M.P.No.17531 of 2022

R.Celin Priyanga

... Petitioner

Vs.

Y.Arivalagan alias Francis Xavier

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the I.D.O.P.No.24 of 2021 on the file of the Hon'ble Principal District Court at Thiruvarur and transfer the same to Hon'ble II Additional Family Court at Chennai to be jointly tried with I.D.O.P.No.3015 of 2022.

For Petitioner

: Mr.V.M.Venkataramana

For Respondent

: Left



ORDER

The petition for transfer is filed to withdraw the I.D.O.P.No.24 of 2021 on the file of the Principal District Court at Thiruvarur and transfer the same to the file of II Additional Family Court at Chennai to be jointly tried with I.D.O.P.No.3015 of 2022.

2. The marriage between the petitioner and the respondent was solemnised on 18.05.2018 as per the Christian Rites and Customs. Due to misunderstanding, the petitioner and the respondent are living separately. The respondent filed I.D.O.P.No.24 of 2021 on the file of the Principal District Court, Thiruvarur, for Restitution of Conjugal Rights. The petitioner/wife filed I.D.O.P.No.3015 of 2022 on the file of II Additional Family Court, Chennai for divorce, which is now pending.

3. The learned counsel for the petitioner states that the petitioner/wife is unemployed and residing along with her parents. She is depending on her parents for her livelihood. Thus, she may not be in a position to travel and contest the case filed by the respondent before the Principal District Court, Thiruvarur.



4. Considering the facts and circumstances, the I.D.O.P.No.24 of 2021 pending on the file of Principal District Court, Thiruvavarur stands transferred to the file of II Additional Family Court, Chennai, to be tried along with I.D.O.P.No.3015 of 2022. The Principal District Court, Thiruvavarur, is directed to transmit the case papers to the II Additional Family Court, Chennai, 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.

08.12.2022

nti/kak

Index : Yes / No

Speaking order / Non-speaking order

To

1.The Judge,
Principal District Court, Thiruvavarur.

2.The Judge,
II Additional Family Court, Chennai.



WEB COPY

Tr.C.M.P.No.1020 of 2



S.M.SUBRAMANIAM, J.

nti/kak

Tr.C.M.P.No.1020 of 2022

08.12.2022