



Tr.CMP No.1124 of 2022

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.1124 of 2022

and

C.M.P.No.19158 of 2022

L.Jeniuginmary

.. Petitioner

vs.

M.Sathyaseelan

.. Respondent

PRAYER : This Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the case in OP No.3156 of 2022 from the file of the III Additional Family Court at Chennai and transfer the same to the file of the Principal District Court at Erode.

For Petitioner : Mr.M.Sivavarthanan

For Respondent : Mr.S.Xavier Felix



Tr.CMP No.1124 of 2022

ORDER

WEB COPY

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in OP No.3156 of 2022 from the file of the III Additional Family Court at Chennai and transfer the same to the file of the Principal District Court at Erode.

2. The marriage between the petitioner and the respondent was solemnised on 13.12.2013 under the provisions of the Special Marriage Act and as per Christian Rites and Customs.

3. A male child was born from and out of the wedlock and now aged about 7 years old studying at School at Sathiyamangalam.

4. The learned counsel for the petitioner states that the petitioner is unemployed and now residing with her parents at Sathiyamangalam. She is unemployed and even for her livelihood, she is depending on her parents and to maintain the minor male child by staying at Sathiyamangalam.



Tr.CMP No.1124 of 2022

WEB COPY

5. The respondent filed OP No.3156 of 2022 for dissolution of marriage pending on the file of the III Additional Family Court at Chennai. Therefore, the case is to be transferred enabling the petitioner to contest the divorce petition filed by the respondent.

6. The learned counsel for the respondent objected the contention raised on behalf of the petitioner by stating that the respondent is working in Central Reserve Police Force as Radio Technician and therefore, the transfer of petition from Chennai to Sathiyamangalam would cause inconvenience to the respondent. Further, the family members of the petitioner are threatening the respondent and thus he will not be in a position to contest the case at Sathiyamangalam.

7. The petitioner is working in a transferable job. However, the petitioner is now residing along with her parents and taking care of her minor child. That being the case, the place of the wife is preferable for the



Tr.CMP No.1124 of 2022

purpose of trying the petition filed by the respondent.

WEB COPY

8. Considering the facts and circumstances, this Court is inclined to consider the case of the petitioner. Accordingly, OP No.3158 of 2022 pending on the file of the III Additional Family Court at Chennai stands transferred to the Principal District Court at Erode. The III Additional Family Court at Chennai is directed to transmit the case papers to the Principal District Court at Erode, within a period of four weeks from the date of receipt of a copy of this order.

9. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

08-12-2022

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Svn

To

4 / 6



Tr.CMP No.1124 of 2022

WEB COPY

1.The III Additional Judge,
Family Court,
Chennai.

2.The Principal District Judge,
Principal District Court,
Erode.

S.M.SUBRAMANIAM, J.



WEB COPY



Tr.CMP No.1124 of 2022

Svn

Tr.CMP No.1124 of 2022

08-12-2022