



Tr.C.M.P.No.1053 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.06.2022

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THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

Tr.C.M.P.No.1053 of 2019
and
C.M.P.No.27966 of 2019

M.Kiruba Roslin Mary

.... Petitioner

vs

Musiri @ Moses

.... Respondent

This Transfer Civil Miscellaneous Petition is filed under Section 24 of Cr.P.C to withdraw the case in IDOP.No.37 of 2019 pending on the file of learned Principal District Judge, Dharmapuri and to transfer the same to the file of the Family Court at Chennai.

For Petitioner : Mr.R.Selvakumar

For respondent : Mr.N.Suresh Kumar

O R D E R

M.Kiruba Roslin Mary, W/o Musiri @ Moses has filed the present petition seeking to withdraw the case in IDOP.No.37 of 2019 pending on the file of learned Principal District Judge, Dharmapuri and to transfer the same to the file of the Family Court at Chennai.



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2. The learned counsel for the petitioner would submit the petitioner and the respondent got married as per the Christian rites on 28.11.2009 at Dharmapuri District. The said marriage was an arranged marriage and registered at Sub-Registrar's office, Morappur. There was some difference of opinion between them and subsequently, they moved to Chennai and lived near Porur. The respondent used to visit the house during weekends as he was running a xerox shop at Morappur, Dharmapuri District. The petitioner got employment at Sri Ramachandra Medical College, Porur. She got conceived after 7 years and she was taken care of by her mother. A male child was born on 16.09.2016 named Judah. Thereafter, the respondent visited the petitioner only occasionally and subsequently, he stopped visiting the petitioner and the child for the past 3 years. The petitioner is willing to join with the respondent. Since she require to continue her job at Chennai for her economic condition, she could not go and live with the respondent at Dharmapuri District. But to her shock and surprise, the respondent has filed a case for divorce in IDOP.No.37 of 2019 at Principal District Court, Dharmapuri. The petitioner could not travel for every hearing to Dharmapuri. She is having 3 years old child and also



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having job in Chennai and she finds it difficult to travel 700 kms to and fro for every hearing. Hence, this transfer petition.

3. It is seen from the records that though the matter was referred to mediation on 03.01.2020, no mediation proceedings had taken place.

4. Since the petitioner is having three years old child and also going for job in Chennai, it may not be possible for her to travel 350 kms from Chennai to Dharmapuri for every hearing of the case. Considering the welfare of the child and also the convenience of the petitioner, this Court is inclined to transfer IDOP.No.37 of 2019 pending on the file of Principal District Judge, Dharmapuri to the file of Sub-Court, Poonamallee.

5. Accordingly, the Tr. C.M.P. is allowed and IDOP.No.37 of 2019 pending on the file of Principal District Judge, Dharmapuri is withdrawn and transferred to the file of the Sub-Court, Poonamallee.

6. The Principal District Judge, Dharmapuri is directed to send



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J.NISHA BANU,J.

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entire records relating to IDOP No.37 of 2019 to the Sub-Court, Poonamallee and on receipt of the records, the learned Subordinate Judge, Poonamallee is directed to dispose of the case within a period of six months thereafter. No costs. Consequently, connected miscellaneous petition is closed.

30.06.2022

Index:Yes/No

Speaking/Non-speaking order

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To

1. The Principal District Judge, Dharmapuri
2. The Sub Court, Poonamallee.

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