



Tr.C.M.P.No.79 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.79 of 2023
and
C.M.P.No.1828 of 2023

F. Jenifer

... Petitioner

Vs.

S. Mickel George

... Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, 1908 to withdraw I.D.O.P.No.385 of 2022 pending of the file of the learned Family Judge, Chegalpattu and transfer the same to the file of the learned Family Judge, Thanjavur and pass orders.

For Petitioner : Mr. R. Thanigai Arasu

For Respondent : Mr. J.Album Jiche



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ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw I.D.O.P.No.385 of 2022 pending of the file of the learned Family Judge, Chegalpattu and transfer the same to the learned Family Judge, Thanjavur for further proceedings.

2.The case of the petitioner is that she got married with the respondent on 11.06.2017 at Adaikala Madha Church, Thanjavur as per the Christian Rites and Rituals and due to the said wed lock one child was born to them. After marriage when the couple was residing separately in Tambaram, the sister of the respondent compelled this petitioner to pay her debt and also forced the petitioner to sign some of the loan documents. The respondent also used to pick up quarrel with the petitioner unnecessarily and harass her, finally on 20.12.2019, she was driven from her matrimonial home. Subsequently the Respondent also vacated the premises. Hence the petitioner has filed a petition for divorce before the Principal Family Court, Thanjavur in IDOP No.13 of 2022 and maintenance petition in M.C.No.14 of 2022 and both the petitions are pending. Whiles, the respondent has filed a petition for restitution of conjugal rights in IDOP No.385 of 2022



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before the Family court, Chengalpattu. Hence, the petitioner has filed this petition seeking to transfer the petition filed by her husband in IDOP No.385 of 2022 on the file of the Family court, Chengalpattu to the Principal Family Court, Thanjavur.

4.The learned counsel for the petitioner submitted that now the petitioner is residing in Thanjavur along with her child who is hardly 5 years old. Being a lady, the petitioner could not able to attend the Court proceedings in Family court, Chengalpattu. Hence, she seeks to withdraw the IDOP No.385 of 2022 from the file of the the Family court, Chengalpattu and transfer the same to the Principal Family Court, Thanjavur in IDOP No.13 of 2022 . If the case is transferred to Thanjavur, no prejudice would be caused to the respondent. Therefore, it will be appropriate to transfer the case filed by the husband.

5.Heard the learned counsel for the petitioner as well as the respondent. Perused the materials available on record. It is well settled law that whenever, the transfer application is filed in matrimonial dispute, the convenience of the wife shall be given preference.



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6. In view of the above submission made by the learned counsel appearing for the petitioner and considering the facts and circumstances of the case and taking note of the fact that the petitioner cannot take care and accompany her child during Court proceedings this Court is inclined to withdraw the IDOP No.385 of 2022 from the file of the the Family court, Chengalpattu and transfer to the Principal Family Court, Thanjavur in IDOP No.13 of 2022.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed.
No costs. Consequently, connected miscellaneous petition is closed.

26.07.2023

Index: Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

smn

To

1. The Family Judge, Chegalpattu
2. The Family Judge, Thanjavur



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V.BHAVANI SUBBAROYAN., J.

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