



WEB COPY



Tr.C.M.P.No.574 of 2023
and C.M.P.No.14073 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No. 574 of 2023

and

C.M.P.No. 14073 of 2023

James Nithya

... Petitioner

Vs.

Vallarasu @ Yosuva

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., praying to withdraw and transfer the I.D.O.P.No.362 of 2022 from Principal District Judge at Trichurapalli to the file of Family Court at Chennai.

For Petitioner : Mr. S. Gunasekar

For Respondent : No Appearance



Tr.C.M.P.No.574 of 2023
and C.M.P.No.14073 of 2023

ORDER

WEB COPY

The petitioner / wife seeks transfer of I.D.O.P.No.362 of 2022 pending on the file of Principal District Judge, Trichurapalli to the Family Court, Chennai. The petitioner / wife seeks transfer of the proceedings before the Family Court, Chennai on the ground that she is living at Chennai with one male child, aged about 13 years and she is not able to attend the Court hearings.

2. The learned counsel for the petitioner submits that the marriage between the respondent and the petitioner was solemnized on 10.02.2009 at Pentecostal Mission Church at Pudukottai, as per Christian Rites and Customs. Out of the wedlock, one male child born to them. Further submitted that the petitioner got separated in the year 2018, living with her mother who is a cancer patient and having custody of minor child, aged 13 years nourishing him and taking care of his educational expenses. Further submitted that she is living at Chennai, working in TCS. Hence, she prays to transfer the IDOP.No.362 of 2022, to the Family Court, Chennai.



Tr.C.M.P.No.574 of 2023
and C.M.P.No.14073 of 2023

WEB COPY

3. Admittedly, the case is pending before Trichy. But she is living with minor child, aged about 13 years along with her mother, who is a cancer survivor.

4. Considering the facts and circumstances and the reason assigned by the petitioner is justifiable, this Court is inclined to transfer the I.D.O.P.No.362 of 2022 to the Family Court, Chengalpattu.

5. In view of the above, I.D.O.P.No.362 of 2022 is withdrawn from the file of the Principal District Judge, Trichurapalli and transferred to the file of the Family Court, Chengalpattu to be disposed of in accordance with law and the Principal District Judge, Trichurapalli is directed to send entire records to the Family Court, Chengalpattu, within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.



WEB COPY



Tr.C.M.P.No.574 of 2023
and C.M.P.No.14073 of 2023



Tr.C.M.P.No.574 of 2023
and C.M.P.No.14073 of 2023

WEB COPY

7. However, the Family Court, Chengalpattu is directed to issue notice to the respondent and then proceed with the matter as early as possible, preferably within a period of six months from the date of this order.

31.10.2023

Index : Yes / No

Neutral Citation: Yes / No

AT

To

1. The Principal District Judge, Trichurapalli.
2. The Family Court, Chengalpattu.



WEB COPY



Tr.C.M.P.No.574 of 2023
and C.M.P.No.14073 of 2023

T.V.THAMILSELVI, J.

AT

Tr.C.M.P.No. 574 of 2023 and
C.M.P.No. 14073 of 2023

31.10.2023