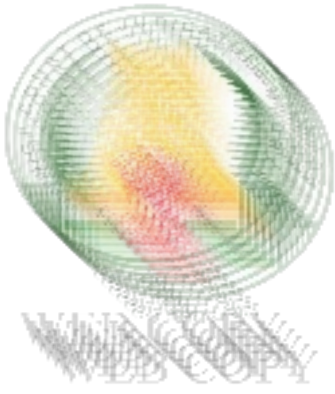




Tr.C.M.P.No.495 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.495 of 2023

and

C.M.P.No.11867 of 2023

S.Larita

.. Petitioner

Versus

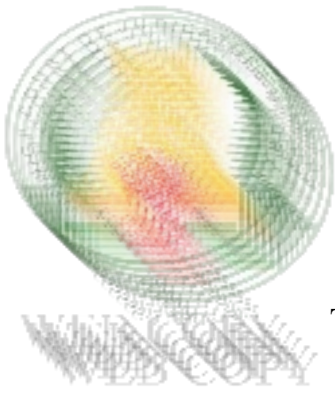
S.Victor Prasath

.. Respondent

PRAYER: This Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the above I.D.O.P.No.392 of 2022 on the file of the Family Court at Chengalpet, Kancheepuram District and transfer to the Family Court at Chennai.

For Petitioner : Mr.A.Ganesh

For Respondent : Ms. R.Saritha

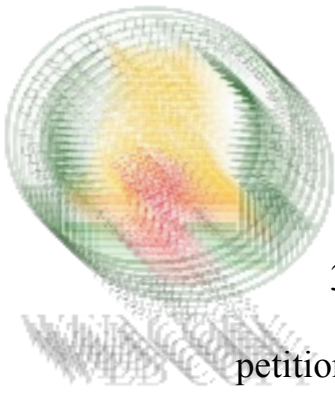


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ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case in I.D.O.P.No.392 of 2022 on the file of the Family Court at Chengalpet, Kancheepuram District and transfer to the Family Court at Chennai.

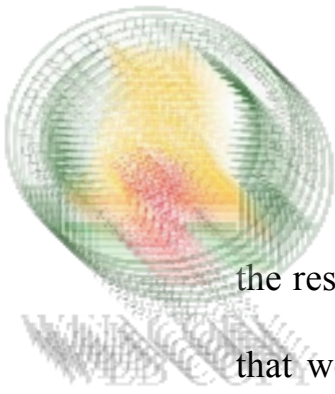
2. The case of the petitioner is that the marriage between the petitioner and the respondent took place on 16.04.2012 at Christhu Nathar Aalayam C.S.I Church, Kancheepuram as per the Christian Rituals, Rights and Customs. At the time of marriage, the respondent's family demanded gold and furniture and when the same was delayed, the respondent and his family members threatened the petitioner's father that they will not take him into the matrimonial house. Further, the respondent used to harass the petitioner mentally and physically every day and used to ask the petitioner to get gifts from her father, after a couple of times when she denied to do the same the respondent along with his parents used filthy language against the petitioner and threw her out of the matrimonial house along with her child. Subsequently, the respondent filed I.D.O.P.No.392 of 2022 for dissolution of marriage before the Family Court, Chengalpattu.



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3. The learned counsel for the petitioner submitted that the petitioner and her child are living in Chennai, which is more than 40 kms from the Chengalpet Court. The train journey takes around one and a half hours from Chennai to Chengalpet and therefore, she cannot afford to do such long journey's all alone to and fro. He further submitted that nobody is here to look after her son and she only have to drop and pick up her son from the School and the petitioner has no house to stay in Chengalpet nor she or her family have any relatives in Chengalpet and it is very difficult to attend the case at Chengalpet on every date of hearing. The petitioner's mother is aged women and she is suffering with several age related ailments and she is residing in Kancheepuram. He also submitted that the respondent only with an intention to harass the petitioner has filed the divorce petition in Chengalpet while he is also resident of Chennai. Hence, the learned counsel for the petitioner prayed that the relief sought for in the Transfer Miscellaneous Petition may be granted.

4. The learned counsel for the respondent submitted that the respondent is presently practising as advocate. At the time of marriage, there were lot of differences of opinion, quarrels and problems between

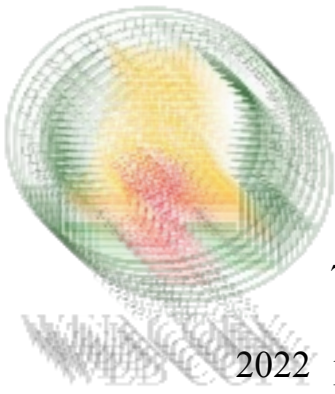


Tr.C.M.P.No.495 of 2023

the respondent and the petitioner and that all the 'Seethanams' and jewels that were given for the marriage from the petitioner house are all under their custody and the respondent was only using two wheeler and he had not taken any other articles or jewels. She further submitted that the respondent had filed the IDOP before the Chengalpet only because the petitioner was residing in Kancheepuram.

5. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent and perused the materials available on record.

6. This Court is of the view that both the parties complain against each other, which has to be decided before the Trial Court. Regarding transfer of the case from Chengalpet to Chennai is concerned, it must be taken note that both the parties are currently residing at Chennai. It is always the convenience of the wife and minor children in the case of matrimonial disputes and hence, the present Transfer Civil Miscellaneous Petition ought to be allowed.



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7. Considering the facts and circumstances, the I.D.O.P.No.392 of 2022 pending on the file of the Family Court, Chengalpattu stands transferred to the Family Court, Chennai forthwith. The Family Court, Chengalpattu is directed to transmit all the case papers to the Family Court, Chennai within a period of four (4) weeks from the date of receipt of a copy of this order.

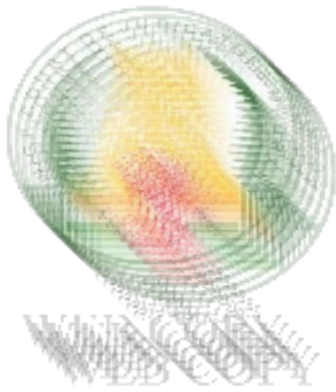
8. With the above observations, the Transfer Civil Miscellaneous Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

10.07.2023

kv
Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No

To

1. The Family Court at Chengalpet, Kancheepuram.
2. The Family Court at Chennai.



Tr.C.M.P.No.495 of 2023

V.BHAVANI SUBBAROYAN,J.

Kv

Tr.C.M.P.No.495 of 2023

10.07.2023