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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Tr.C.M.P.No.539 of 2023

and

C.M.P.No.12693 of 2023

Felicita Princy

... Petitioner

Vs.

S.J.Karthick

... Respondent

Prayer: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the I.D.O.P.No.No.139 of 2023 from the file of the Family Court, Salem and transfer the same to the Additional District Court-3, Virudhachalam, Cuddalore District.

For Petitioner : Mr.A.Raja Perumal

For Respondent : Mr.J.Franklin



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ORDER

This petition has been filed to withdraw and transfer the I.D.O.P.No.No.139 of 2023 on the file of the Family Court, Salem to the Additional District Court – III, Virudhachalam, Cuddalore District.

2. The learned counsel for the petitioner submits that the marriage between the petitioner and the respondent was solemnised on 05.06.2019 at Our Lady Fathima Church, Virudhachalam, Cuddalore District. Due to dispute aroused between the petitioner and the respondent, they are living separately. Therefore, the petitioner had left the matrimonial home and now residing along with her parents at Virudhachalam, Cuddalore District. However, to harass the petitioner, the respondent filed I.D.O.P.No.139 of 2023 before the Family Court, Salem seeking for divorce. Hence, she filed this petition to transfer the I.D.O.P from the Family Court, Salem to the Additional District Court – III, Virudhachalam, Cuddalore District



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3. The learned counsel for the respondent stated that due to matrimonial dispute between the respondent and the petitioner, he has filed divorce before the Family Court, Salem. However, it is contended that the petitioner remained exparte before the Family Court, Salem.

4. Therefore, the learned counsel for the petitioner undertook to file a petition to set aside the exparte order. Hence, the reasons assigned are justifiable.

5. In view of the facts and circumstances, the I.D.O.P.No.139 of 2023 pending on the file of the Family Court, Salem stands transferred to the Additional District Court – III, Virudhachalam, Cuddalore District. The Family Court, Salem is directed to transmit all the case papers to the Additional District Court – III, Virudhachalam, Cuddalore District and also directed to issue notice to respondent and proceed with case as per manner known to law.



6. With the abovesaid directions, the Transfer Civil Miscellaneous Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

28.11.2023

Jeni

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1.The Family Court,
Salem

2.The Additional District Court – III,
Virudhachalam,
Cuddalore District.



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T.V.THAMILSELVI, J.

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