



Tr.CMP.No.709 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2023

CORAM:

THE HONOURABLE MRS.JUSTICE **T.V.THAMILSELVI**

Tr.CMP.No.709 of 2022

and

CMP.No.12085 of 2022

Mary Mercy

... Petitioner

Vs.

V.Sagaya Praveen

... Respondent

**PRAYER:**

Transfer CMP is filed under Section 24 of CPC to order withdrawal of the petition filed under Section 10(1) IX of Divorce Act, 1869 in IDOP.No.35 of 2020 from the file of the Family Court at Chengalpattu and transfer the same to the Court of the Family Court, Tirunelveli.

For Petitioner : Mr.D.Senthil Kumar

For Respondent : Mr.R.Sreerangan



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## **ORDER**

The revision petitioner being wife filed this transfer CMP to transfer IDOP.No.35 of 2020 from the file of the Family Court at Chengalpattu to the Family Court, Tirunelveli.

2. The contention of the revision petitioner is that she is living at the care of her mother alone and now she is residing at Tirunelveli, Radhapuram Taluk. Therefore, she is unable to attend the court proceedings in Chengalpet in IDOP.No.35 of 2020 filed by the husband pending before the Family Court, Chengalpet for divorce.

3. The learned counsel for the respondent submits that it is not like other case. The revision petitioner along with other rowdy elements had entered into the house of the respondent and caused damage to the properties, against which, he gave complaint, wherein charge sheet was filed. Furthermore, near about four years later, she filed complaint raising false allegations against respondent / husband and the same was quashed by this Court by quash proceedings. Therefore, if at all the matter is transferred to



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Tirunelveli, there is a life threat for this respondent. Therefore, he raised objection. To support his contention, the learned counsel for the respondent submitted FIR and charge sheet.

4. Facts reveal that after marriage, within a short span of time, they got separated. Wife / revision petitioner initiated DVAC proceedings before Tambaram Magistrate Court and there is FIR.No.87 of 2020 pending against the parents of the respondent. All these facts clearly establish that number of complaints lodged against each other and so it is not advisable to attend the court at Chengalpet or Tirunelveli.

5. Considering the welfare of both the parties, IDOP.No.35 of 2020 pending on the file of the Family Court, Chengalpet and also DVAC proceedings initiated by this revision petitioner, which is so far not numbered, directed to be transferred to Family Court, Trichy within three weeks from the date of receipt of this order and after taking on file, the Family Court, Trichy is directed to issue notice to both the parties to appear before the Court and decide the issue accordingly as per the manner known to law.



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6. With the above directions, this transfer CMP is disposed of.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order  
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**T.V.THAMILSELVI, J.**

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To

- 1.The Family Court,  
Chengalpet
- 2.The Family Court,  
Trichy

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