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Tr.CMP No.572 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

C O R A M:

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

Tr.C.M.P.No.572 of 2023

and

C.M.P.No.13868 of 2023

J.Shyni Steffi

Petitioner

Vs.

J.Jones

Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1908, to withdraw the petition in D.O.P.348 of 2023 pending on the file of the Additional Principal Family Court at Coimbatore and transfer the same to the file of the Principal Family Court at Chennai.

For petitioner : Mr.T.Rajarathinam
For respondent : Mr.M.V.Arunkumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the petition in D.O.P.348 of 2023 pending on the file of the Additional Principal Family Court at Coimbatore and transfer the same to the file of the Principal Family Court at Chennai.

2. The case of the petitioner is as follows:



2.1. She was married to the respondent on 05.07.2019 and both were living in Chennai. She is currently working in Australia, whereas, the respondent is working in Chennai. She had given her consent for their marriage only after the respondent confirmed to stay in Australia along with her.

2.2. After marriage, the respondent did not evince any interest towards her and only then, she came to know that he married her out of his parents' compulsion. To continue her work further in Australia, she left Chennai hoping that he would also live along with her in Australia.

2.3. Later, the respondent informed her about his willingness to visit Australia. Hence, she made all the preparations for his visit. He stayed in Australia for a couple of weeks and both of them lived happily. She also arranged for his return to India. The respondent, after reaching India, did not communicate with her.

2.4. She again visited India on 12.12.2019 and was living in her matrimonial house, but, there was no change in the respondent's behaviour and she flew back to Australia. Due to the 2019 pandemic, she was unable



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to visit India from 2020 to 2022 and her parents visited her matrimonial house.

2.5. While so, the respondent filed a divorce petition in D.O.P.No.348 of 2023 before the Additional Principal Family Court, Coimbatore, seeking transfer of which, to the file of the Principal Family Court, Chennai, this transfer civil miscellaneous petition is filed.

3. The learned counsel for the petitioner submitted that as both the petitioner and the respondent are residing in Chennai, it will be appropriate and reasonable if the divorce petition in D.O.P.No.348 of 2023 pending on the file of the Additional Principal Family Court, Coimbatore, is transferred to the Principal Family Court at Chennai.

4. The fact remains that the petitioner is not residing in India nor has she given Power of Attorney to a third party to represent her in the divorce proceedings. In such perspective of the matter, this Court is of the opinion that no useful purpose could be served by ordering transfer of divorce proceedings as sought by the petitioner. Further, the petitioner is at liberty to seek transfer of the divorce proceedings to a Court in Chennai if



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she permanently resides in Chennai or she appoints Power of Attorney to represent her.

In the result, this Transfer Civil Miscellaneous Petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

15.09.2023

vca/rna

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

To

1. The Judge
Additional Principal Family Court
Coimbatore
2. The Judge
Principal Family Court,
Chennai.

V.BHAVANI SUBBAROYAN., J.



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