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Tr.C.M.P.No.644 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.644 of 2023

and

CMP No.16006 of 2023

A.Rita Mary

Petitioner

Vs.

Major A.Arockia Doss

Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, 1908, to withdraw the case proceedings in I.D.O.P.No.96 of 2023 pending on the file of the Family Court, Chengalpattu and to transfer the same to the IV Additional Family Court at Chennai.

For petitioner : Ms.V.S.Usharani

For respondent : Ms.C.S.Vedavalli

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw the case proceedings in I.D.O.P.No.96 of 2023 pending on the file of the Family Court, Chengalpattu and to transfer the same to the IV Additional Family Court at Chennai.



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2. The case of the petitioner is as follows:

2.1 She was married to the respondent on 25.04.1997 and they have two children. While so, it came to light that the respondent was not interested to continue his marital life with the petitioner and hence, insisted for a mutual divorce. As the petitioner was not interested, consent was not given by her, due to which, she was physically abused and injured by the respondent. As a result, she was admitted in the Millitary Hospital for treatment and subsequently, a criminal complaint in Crime No.1017 of 2019 under Sections 323 and 506 (i) of IPC and Section 4 of the Prohibition of Harassment of Women Act, 1998 was registered.

2.2 In response to this, a criminal complaint was filed by the respondent, as a result of which, the matter was referred to mediation. Upon the request of the respondent to reunite with the petitioner, the criminal complaint filed by the petitioner was withdrawn.

2.3 While so, the respondent had once again filed a complaint which stated that the petitioner had stolen some of his articles, documents, etc. which was quashed by this Court. He had prevented access to the joint



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locker where she had kept her jewels and refused to pay maintenance for their children.

2.4. Following this, he filed a writ petition being W.P.No.34856 of 2022 for right of maintenance before this Court and also a petition for divorce in I.D.O.P.No.96 of 2023 on the file of the Family Court, Chengalpattu.

2.5. Seemingly, she is currently working as a teacher in a private school and earning a meagre amount and taking care of her children. While so, she expresses her difficulty in appearing before the Family Court Chengalpattu, which would incur an additional expense and also cause physical difficulties.

3. The learned counsel appearing for the respondent submitted that the respondent has no objection for transferring the case as sought by the petitioner.

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



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6. It is a well settled law that whenever a transfer application is filed in matrimonial dispute, the convenience of the wife shall be given preference.

5. In view of the above and considering the facts and circumstances of the case, this Court is inclined to withdraw I.D.O.P.No.96 of 2023 pending on the file of the Family Court, Chengalpattu and transfer the same to the file of the IV Additional Family Court at Chennai.

In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

19.09.2023

vca/rna

Index:Yes/No

Internet:Yes/No

Speaking Order/Non Speaking Order

To

1. The Judge
the Family Court, Chengalpattu
2. The Judge,
IV Additional Family Court ,
Chennai.



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V.BHAVANI SUBBAROYAN., J.

vca/rna

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