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Tr.C.M.P.No.1108 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1108 of 2022

and

C.M.P.No.18932 of 2022

Juli D.Silva

... Petitioner

Vs.

Lawrence Kumar

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the I.D.O.P.No.226 of 2022 pending on the file of the District Court, Chengalpet and transfer the same to VII Additional Family Court, Chennai to try along with I.D.O.P.No.4571 of 2022.

For Petitioner

: Mr.A.R.Nixon

For Respondent

: Mr.T.S.Selva Rani

ORDER

The petition for transfer is filed to withdraw the I.D.O.P.No.226 of 2022 pending on the file of the District Court, Chengalpattu and transfer the same to VII Additional Family Court, Chennai to be tried along with I.D.O.P.No.4571 of 2022.



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2. The marriage between the petitioner and the respondent was solemnised on 16.02.2011 as per the Christian Rites and Customs. A male child was born from and out of the wedlock between the petitioner and the respondent. Due to misunderstanding the petitioner and the respondent are living separately. The respondent filed for I.D.O.P.No.226 of 2022 for Divorce on the file of District Court, Chengalpet. Per contra, the petitioner filed I.D.O.P.No.4571 of 2022 on the file of the VII Additional Family Court, Chennai for Restitution of Conjugal Rights. The petitioner states that she is residing along with her parents at Chennai and thus, not in a position to travel and contest the case filed by the respondent / husband before the District Court, Chengalpet.

3. The learned counsel for the respondent / husband raised an objection by stating that the petitioner / wife is also employed and thus, capable of travelling and contesting the case. However, the place of residence of wife is preferable for adjudication of matrimonial disputes.



4. Considering the facts and circumstances, the I.D.O.P.226 of 2022 pending on the file of the District Court, Chengalpet stands transferred to the VII Additional Family Court at Chennai. The District Court, Chengalpet is directed to transmit the case papers to the VII Additional Family Court at Chennai within a period of four weeks from the date of receipt of a copy of this order.

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

07.02.2023

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Index : Yes
Speaking order
Neutral Citation : Yes

To

- 1.The Judge,
District Court,
Chengalpet.
- 2.The Judge,
VII Additional Family Court,
Chennai.



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S.M.SUBRAMANIAM, J.

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