



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1207 of 2022

and

C.M.P.No.20767 of 2022

R.Joni Monisha

... Petitioner

Vs.

Cal Win Shantharaj

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the IDOP No.89 of 2022 on the file of the District Court of Tiruvallur and to transfer the same to the Principal District and Session Court Kanniyakumari.

For Petitioner : Ms.M.Udayavani

For Respondent : Mrs.S.Sridevi



ORDER

The marriage between the petitioner and the respondent was solemnised on 15.02.2021 as per Christian rites and customs at CSI Community Hall, in Neyyoor, Nagarcoil, Kanyakumari District. Due to some misunderstandings, the petitioner and the respondent are living separately.

2. The learned counsel for the petitioner states that the respondent filed IDOP No.89 of 2022 for dissolution of marriage, on the file of the District Court at Tiruvallur. The petitioner is unemployed and her father died recently. She is now residing along with her aged mother and thus she is not in a position to travel and contest the divorce case filed by the respondent before the District Court at Tiruvallur.

3. The learned counsel for the respondent raised an objection by stating that in the event of transfer, the respondent will be prejudiced since he has to travel from Tiruvallur to Kanyakumari which is very far.

4. However, the place of residence of the wife is to be considered for



the purpose of conducting the matrimonial cases and in the present case, the petitioner is unemployed and living along with her mother.

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5. Under these circumstances, this Court is inclined to consider the transfer petition and accordingly, the IDOP No.89 of 2022, pending on the file of the District Court at Tiruvallur stands transferred to the Principal District and Session Court at Kanniyakumari. The District Court at Tiruvallur, is directed to transmit the case papers to the Principal District and Session Court at Kanniyakumari, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. 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.

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Index : Yes

Speaking order

31.01.2023



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S.M.SUBRAMANIAM, J.

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To

1. District Court of Tiruvallur.
2. Principal District and Session Court Kanniyakumari.

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