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Tr.C.M.P.No.1315 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1315 of 2022

and

C.M.P.No.22256 of 2022

Mrs. Sheryl vino

... Petitioner

Vs.

Mr.Nickson R

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the case in IDOP No.180 of 2022 pending on the file of Family Court, Chengalpattu and transfer the same to the file of Family Court, Krishnagiri.

For Petitioner : Mr.G.TamilSelvan

For Respondent : Mr.A.M.Bakiyanathan Easter
For Mr.D.Stalin Antony Raj



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ORDER

The marriage between the petitioner and the respondent was solemnised on 08.09.2021 at All Saints Church (CSI Karnataka Central Diocese) No.1, Hosur Road, Bangalore, as per Chirstian rites and customs. Due to certain misunderstandings, the petitioner and the respondent are living separately. The respondent husband filed IDOP No.180 of 2022 for divorce, which is now pending on the file of the Family Court Chengalpattu.

2. The learned counsel for the petitioner states that the petitioner is a native of Bangalore who is employed and now residing along with her parents at Bangalore. While so, she is not in a position to travel and contest the divorce case filed by the respondent on the file of the Family Court at Chengalpattu.

3.The learned counsel for the respondent raised an objection that the petitioner is residing at Bangalore and therefore transferring the case to Krishnagiri would not be suitable. She had already filed another case before the Court at Bangalore and maintenance is also ordered by the competent



court at Bangalore and in compliance of the said order the respondent is paying monthly maintenance to the petitioner.

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4.As far as the Transfer of the divorce petition is concerned, the petitioner seeks that the said proceedings may be transferred to the Family Court at Krishnagiri which would be more convenient for her to contest the case in view of the shorter distance between Krishnagiri and Bangalore. Instead, if the case is allowed to continue at Chengalpattu, it would be difficult for her to travel and contest the case since she is employed at Bangalore. The place of the wife is preferable in contesting the matrimonial matters and in the present case, the petitioner is residing at Bangalore.

5. Yet another case filed by the revision petitioner is also pending before the Court at Bangalore and considering the overall facts and circumstances, IDOP No.180 of 2022 pending on the file of the Family Court, Chengalpattu stands transferred to the Family Court at Krishnagiri. The Family Court, Chengalpattu, is directed to transmit the case papers to the Family Court at Krishnagiri, within a period of four (4) weeks from the date of receipt of a copy of this order.



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S.M.SUBRAMANIAM, J.

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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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01.02.2023

Index : Yes
Speaking order

To

1. Family Court, Chengalpattu
2. Family Court, Krishnagiri.

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