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TR.C.M.P.No.118 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

TR.C.M.P.No.118 of 2024

and

C.M.P.No.2584 of 2024

Roselin

... Petitioner

Vs.

Joshua

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition has been filed under Section 24 of the Code of Civil Procedure, praying to withdraw the I.D.O.P.No.3414 of 2023 on the file of the Principal Family Court at Chennai and transfer the same to the file of the District Court- II at Kancheepuram.

For Petitioner : Mr.K.Karthik

For Respondent : Mr.M.Marimuthu



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ORDER

The petitioner/estranged wife of the respondent has filed this transfer civil miscellaneous petition seeking to withdraw the I.D.O.P.No.3414 of 2023 from the file of the Principal Family Court, Chennai and to transfer the same to the file of the District Court-II, Kancheepuram.

2. The respondent herein is the husband and the petitioner is his wife. The case of the petitioner is that the marriage between them was solemnized on 21.07.2022 and they were lived together for a short period. The respondent's father is a Pastor and his mother is a Government employee. After the marriage, the respondent started harassing the petitioner by demanding dowry. The allegation of the respondent that the petitioner is an unsound person, is strongly opposed by the petitioner stating that she is a normal person.



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3. The learned counsel for the petitioner submitted that the petitioner is residing at Kancheepuram and hence, it would be difficult for her to attend the proceedings in I.D.O.P.No.3414 of 2023 at Chennai.

4. The learned counsel for the respondent objected for the same as the petitioner is living at Chennai and pursuing B.Ed, in St.Christoper's College of Education (Autonomous), No.63-66, E.V.K.Sampath Road, Vepery, Chennai - 600 007 and she is staying in the Hostel. The divorce petition came to be filed, after several steps of reunion by the parents failed. The petitioner and her parents are filing false complaints to the police against the respondent and his parents. On enquiry, the police found that the averments made in the complaints are false and hence, dropped further action. Further, the petitioner is taking treatment as out-patient in CSI Kalyani General Hospital for her mental disorder. Hence, the respondent has filed a divorce petition on the grounds of unsoundness of mind, mental torture and cruelty.



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5. In reply, the learned counsel for the petitioner submitted that the petitioner is supported by her parents and staying in Kancheepuram along with them, hence filed this petition to transfer I.D.O.P.No.3414 of 2023 from the Principal Family Court, Chennai, to the file of learned District Judge - II, Kancheepuram. Further, the learned counsel for petitioner submitted that the petitioner is interested in completion of the proceedings in I.D.O.P.No.3414 of 2023 filed by the respondent, without delay.

6. Considering the submissions made and on perusal of the materials, it is seen that the petitioner is willing for transfer and speedy disposal of I.D.O.P.No.3414 of 2023 which is presently pending before the learned Principal Family Court, Chennai to the learned District Judge - II, Kancheepuram. In view of the same, this Court is inclined to withdraw and transfer the case in I.D.O.P.No.3414 of 2023 from the learned Principal Family Court, Chennai to the learned District Judge - II, Kancheepuram.



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7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the I.D.O.P.No.3414 of 2023, which is pending on the file of Principal Family Court, Chennai shall stand withdrawn and transferred to the file of District Judge - II, Kancheepuram. No costs. Consequently, connected miscellaneous petition is closed.

03.07.2024

Index : Yes/No
Internet : Yes/No
Speaking order/Non speaking order
Neutral Citation : Yes/No
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To

1.The Principal Family Court,
Chennai

2. The District Judge - II,
Kancheepuram



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M.NIRMAL KUMAR, J.

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