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Tr.C.M.P.No.924 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.924 of 2023
and CMP.No.22102 of 2023

J.Jacinth Poornima

... Petitioner / Respondent

Vs

L.Reagan

... Respondent / Petitioner

Prayer :-Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., praying to withdraw the petition in O.P.No.3140 of 2023 pending on the file of V Additional Family Court at Chennai and transfer the same to be tried along with D.O.P.No.1280/2023 on the file of Family Court at Coimbatore.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.G.Murugendran

ORDER

The petitioner-wife has presented this petition to withdraw

O.P.No.3140 of 2023 pending on the file of V Additional Family Court at



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Chennai and transfer the same to be tried along with D.O.P.No.1280/2023 on the file of Family Court at Coimbatore.

2. The petitioner and the respondent got married on 10.01.2009 at CSI Christ Church Kovaipudur, Coimbatore, as per Christian rites and customs. According to the petitioner, she has been treated harshly both by her husband and his family members. She and her parents were made to run from pillar to post to save their lives. In these circumstances, the respondent-husband initiated proceedings before the V Additional Family Court, Chennai for dissolution of marriage. Within a month, the petitioner-wife instituted a proceedings in D.O.P.No.1280 of 2023 on the file of Family Court, Coimbatore. She has also initiated steps under the Domestic Violence Act. Now the petitioner-wife who is before this Court pleads that she is unable to travel from Coimbatore to Chennai to attend every court hearing. Hence, this transfer petition.

3. Notice was issued to the respondent in this transfer petition and the respondent has been served. The respondent entered appearance through Mr.G.Murugendran. The learned counsel produced documents to show that the petitioner is not the resident of Coimbatore and she has secured the



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residency status from the Kingdom of Qatar. He would state that the petitioner is contesting the proceedings through her Power of Attorney. He would urge that while a Court should take into consideration the convenience of the female folk, but taking advantage of the same, the petitioner-wife cannot abuse the process of law by seeking transfer. It is to be noted that the transfer is not sought on the basis of inconvenience of the petitioner-wife to travel from Coimbatore to Chennai to attend the Court proceedings, rather it is sought to do away the inconvenience of her Power of Attorney.

4. When this was posed to Mr.S.Arivazhagan, learned counsel for petitioner, he sought 'pass-over' to get instructions on the same. Accordingly, the matter was passed-over to afternoon session. At the time of hearing, Mr.S.Arivazhagan would submit that it is true that the petitioner is the temporary resident of Qatar, where she has gone for her work.

5. Power under Section 24 of CPC has to come to the rescue of the female folk and not for her Power of Attorney. The Power of Attorney who enters this transaction is aware that he is doing this with full consciousness that he would contest the proceedings wherever it is filed. The fact that the petitioner is not the resident of India and is currently staying in Qatar has



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been suppressed before this Court. If not for the documents filed by the respondent-husband, the Court would have considered the claim of the petitioner-wife for transfer. This Court is of the view that there is no fairness on the part of the petitioner-wife.

6. Therefore, taking the overall circumstances into consideration, this transfer petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

10.06.2024

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order
ds

To:

1.The V Additional Family Court, Chennai.

2.The Section Officer
VR Section, High Court, Madras.



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V.LAKSHMINARAYANAN,J.,

ds

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