

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
TRANSFER PETITION (CIVIL) NO.1939 OF 2019

SAJI CHESTER ... Petitioner(s)

VERSUS

CHESTER CHIRAYATH ... Respondent(s)

O R D E R

This is a petition filed by the petitioner (wife) under Section 25 of the Code of Civil Procedure, 1908, seeking transfer of a petition for custody being O.P. No.221/2019 titled as Chester Chirayath vs. Saji Chester pending before the Family Court, Ernakulam, Kerala to the Family Court, Chennai, Tamil Nadu.

It appears that a divorce petition is already pending in the Family Court, Chennai, Tamil Nadu. Therefore, the respondent, in any case, is obliged to travel to Chennai to attend to the said case.

The respondent has filed a counter affidavit contending that he is a Chartered Accountant who has travelled 13 times in a period of 18 months to Chennai to attend to the hearing of the divorce petition but the petitioner has been dilly dallying and that the respondent has an 83 years old father who is afflicted by Parkinson's disease. Therefore, the respondent is objecting the transfer.

But as indicated above, there is already a divorce petition pending in the Family Court, Chennai. Therefore, there is no point in allowing the petition for custody of minor, to be tried elsewhere. Therefore, I deem it fit and proper to allow this transfer petition. Accordingly, O.P. No.221/2019 titled as Chester Chirayath vs. Saji Chester pending before the Family Court, Ernakulam, Kerala is transferred to the Family Court, Chennai, Tamil Nadu.

Let the records of the case be transferred to the concerned court without delay.

The Transfer Petition is allowed accordingly.

....., J.
(V. Ramasubramanian)

New Delhi;
June 04, 2020.

