

In the High Court of Judicature at Madras

Dated : 23.1.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

Tr.CMP.No.509 of 2014 and MP.No.1 of 2014

Archana

...Petitioner

Vs

S.Vauci

...Respondent

PETITION under 24 of the Civil Procedure Code to withdraw H.M.O.P. No.116 of 2014 filed by the respondent, which is pending now before the Second Additional Subordinate Court (Family Court) at Villupuram and transfer the same to the file of the Principal Judge of the Family Court at Chennai or any of the Family Courts (First, Second and Third Additional Judges of Family Courts) at Madras.

For Petitioner : Mr.S.Venkataraman

For Respondent : Mr.K.Raja

ORDER

The petitioner, who is the wife, has come up with the above petition under Section 24 of the Civil Procedure Code, 1908, for withdrawal of a petition for divorce filed by the respondent/husband on the file of the Second Additional Subordinate Court, Villupuram and for the transfer of the same to the file of the Family Court at Chennai.

2. Heard Mr.S.Venkataraman, learned counsel for the petitioner and Mr.K.Raja, learned counsel for the respondent.

3. Admittedly, the parties are working in the I.T.Industry at Sholinganallur. The marriage as between them was registered in the office of the Sub-Registrar at Gingee on 2.11.2012 according to Hindu customary rights. It was a love marriage. However, due to virus attack, the system as between the petitioner and the respondent was shut down. Therefore, the respondent filed a petition for divorce on the file of the Second Additional Subordinate Court, Villupuram. Contending that it will only be a

harassment to both parties, the petitioner has come up with the above transfer petition.

4. Though the respondent has filed a counter opposing the prayer for transfer, it is admitted by him that both parties are employed in the I.T. Industry at Sholinganallur. I do not know whether the respondent is actually travelling every day from Sholinganallur to Villupuram where he claims to have permanent residence. The Court at Villupuram is not a Family Court. Though the respondent has filed the petition for divorce, it is contended by him that he always wants to live with the petitioner. The stand of the petitioner is also the same. Therefore, transfer of the case to a Family Court may provide an opportunity for the parties to meet in person and explore the possibility of reunion. Hence, for the convenience of the parties and for making an attempt to save the marriage, it is necessary that the petition deserves to be ordered.

5. Accordingly, the above transfer petition is ordered withdrawing H.M.O.P.No.116 of 2014 from the file of the Second Additional Subordinate Court, Villupuram and transferring it to the Principal Family Court at Chennai. The Second Additional Subordinate Court, Villupuram shall transfer the records within a period of two weeks from the date of receipt of a copy of this order. Within two weeks of receipt of the records, the Principal Family Court, Chennai shall allot it to one of the Additional Courts or allot it before itself and endeavour to dispose it of within a period of three months. No costs. Consequently, the above MP is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

RS

To

1.The Second Additional Subordinate Court,
(Family Court) Villupuram.

2.The Principal Family Court, Chennai.

1 cc to M/s. CV. Vijayakumar, Advocate, Sr. 3493

1 cc to M/s.K. Raja, Advocate, Sr. 3543

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