

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P.No.726 of 2014

and

M.P.No.1 of 2014

K.Suganthini
W/o.Kirubaharan

... Petitioner

Vs.

P.Kirubaharan
S/o.Late Paramanathan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code to withdraw H.M.O.P.No.1786 of 2011 from the file of learned I Additional Family Judge, Chennai and transfer the same to the file of learned Sub Judge, Tuticorin.

For Petitioner : Mr.M.Gnanasekar

For Respondent : Mrs.P.Bhuvaneswari

O R D E R

The wife has come before this Court seeking to transfer the H.M.O.P.No.1786 of 2011 on the file of I Additional Family Court, Chennai, filed by the respondent husband for divorce.

2. Heard Mr.M.Gnanasekar, learned counsel appearing for the petitioner and Mrs.P.Bhuvaneswari, learned counsel appearing for the respondent.

3. It is seen from the records that originally the husband has filed I.D.O.P.No.104 of 2009 against the petitioner herein for divorce. At that time, the petitioner was working at Chennai. Therefore, the said petition was transferred to the file of I Additional Family Court, Chennai, at the instance of the petitioner. Now, the petitioner has been transferred to Government Hospital, Kulasekaram, Kanniyakumari District and therefore, by filing this petition, she seeks to transfer the divorce petition filed by the respondent husband to Sub-Court, Tuticorin.

4. Irrespective of the place, what is to be considered is the stage of the case. It is admitted that the parties were already examined before the I Additional Family Court, Chennai and the matter is being adjourned right from 05.07.2014 only for arguments. More over, the respondent already filed written arguments and it is adjourned for petitioner's argument only. Though I.A.No.1305 of 2014 according to Mr.M.Gnanasekar, learned counsel appearing for the petitioner, is pending, it was already dismissed for default on 03.12.2014. Therefore, it is clear that, as on date, there is no interlocutory application is pending and the I Additional Family Court, Chennai, has to hear the petitioner or receive the written arguments and pass orders. Therefore, it is not possible to transfer the case at this stage, especially, when the matter is posted for argument. Therefore, the petitioner is directed to file written argument within two weeks from the date of receipt of a copy of this order. Thereafter, the I Additional Family Court, Chennai, is directed to dispose of the matter within one month. If there is any inconvenience on the part of the petitioner herein/respondent before the Family Court, it is always open to her to file a petition or to be represented by a counsel.

This Transfer Civil Miscellaneous Petition is dismissed with the above direction. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Asst.Registrar (AD I)

/true copy/

Sub Asst. Registrar

gm

To

The I Additional Family Judge,
Chennai.

1 cc to Mr.M. Gnanasekar, Advocate, Sr. 16232
2 ccs to Mr.G. Krishna Raja, Advocate, Sr. 16183

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