

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.752 of 2014
and
M.P.No.1 of 2014

T.Raja ... Petitioner
vs.

Anitha Nirmal ... Respondent

Transfer petition has been filed to withdraw the case in C.M.A.No.3 of 2011 pending trial on the file of the learned Principal Sessions Court, Perambalur District and transfer the same to any other competent Court in Ariyalur District or any other District.

For petitioner : Mr.C.D.Johnson

For Respondent : Mr.Ilanthiraiyan for
M/s.Sai Bharath & Ilan

ORDER

The petitioner herein is the husband, who is the respondent in C.M.A.No.3 of 2011 pending on the file of Principal Sessions Court, Perambalur District. The petitioner/husband filed this application to transfer the same to Ariyalur District.

2. The respondent/wife already suffered an order in H.M.O.P. Hence, she filed an appeal in C.M.A.No.3 of 2011 on the file of Principal District Court, Perambalur District.

3. The petitioner/husband already filed Tr.C.M.P.No.478 of 2013 with the same request. However, he has chosen to withdraw the same and therefore, this Court dismissed the Tr.C.M.P.No.478 of 2013 on 05.06.2014 permitting the petitioner herein to withdraw the transfer miscellaneous petition and also issued a direction to the learned Principal District Judge, Perambalur to dispose of C.M.A.No.3 of 2011, within a period of two months. Thereafter, the petitioner filed this petition with the same prayer.

4. The learned counsel for the respondent submitted that the respondent/wife resides at Perambalur and she is having seven years old child.

5. In the facts and circumstances of the case, I am not inclined to allow this petition. Furthermore, taking note of Section 19(iii)(a) of the Hindu Marriage Act, I am not inclined to transfer the C.M.A.No.3 of 2011 from the file of the Principal Sessions Court, Perambalur District to any other competent Court in Ariyalur District.

6. Accordingly, this Transfer Civil Miscellaneous petition is dismissed. However, the learned Principal District Judge, Perambalur is directed to dispose of C.M.A.No.3 of 2011, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsm

To

The Principal District Judge,
Permbalur.

+1cc to Mr.C.D. Johnson, Advocate, S.R.No.56538

+1cc to M/s. Sai, Bharath & Ilan, Advocate, S.R.No.56174

NM(CO)

EU(27/10/2015)

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