

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

Tr.C.M.P.No.756 of 2014

and M.P.No.1 of 2014

B.Prasanna

.. Petitioner

vs.

1. S.Reka

2. P.Keerthivarshini, minor
represented by her mother
and natural guardian S.Reka

..Ist Respondent/Respondents

Transfer petition has been filed U/Sec.24 of CPC, to withdraw and transfer the maintenance case No.28 of 2014 which is pending on the file of the Judicial Magistrate Court, Karaikudi to the Principal Sub Judge, Chengalpattu to try along with O.P.No.113 of 2014.

For petitioner : Mr.P.Dhananjayan

For respondents: Mr.T.A.Shagulhameed

ORDER

The petitioner is the husband. He has filed a petition in O.P.No.113 of 2014 on the file of learned Principal Sub Judge, Chengalpattu for restitution of conjugal rights. The first respondent wife filed a petition in M.C.No.28 of 2014 on the file of learned Judicial Magistrate, Karaikudi seeking maintenance. Now, the petitioner has filed the present transfer petition to transfer M.C.No.28 of 2014 pending on the file of learned Judicial Magistrate, Karaikudi to the file of learned Principal Sub Judge, Chengalpattu to be tried along with O.P.No.113 of 2014 filed by him.

2. Learned counsel appearing for the petitioner admits that the first respondent wife resides at Karaikudi. Hence, she has filed M.C.No.28 of 2014 at Karaikudi. Further, it is stated that the first respondent has two years old child. Therefore, if M.C.No.28 of 2014 is transferred to Chengalpattu, the first respondent wife would be put to great hardship. Hence, I am not inclined to transfer M.C.No.28 of 2014

to the file of learned Principal Sub Judge, Chengalpattu as sought for by the petitioner. On the other hand, I am of the view that it is better if O.P.No.113 of 2014 is transferred to the file of learned Judicial Magistrate, Karaikudi to be tried along with M.C.No.28 of 2014.

3. In the result, the transfer CMP is disposed of, with a direction to the learned Principal Sub Judge, Chengalpattu to transfer O.P.No.113 of 2014 pending on his file to the file of learned Judicial Magistrate, Karaikudi, to be tried along with M.C.No.28 of 2014. No costs. Consequently, connected miscellaneous petition is closed.
sbi

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1. The Judicial Magistrate,
Karaikudi
2. The Principal Sub Judge,
Chengalpattu.

+1 C.C. To MR.P.Dhananjayan, Advocate in SR.NO.55081

+1 C.C. To T.A.Shagul Hameed, Advocate in SR.NO.55416

Tr.C.M.P.No.756 of 2014

CTK(CO)
sd : 27/10/2015

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