

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2015

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.871 of 2014
and M.P.No.1 of 2014

S.Mythili @ Malini

.. Petitioner/Respondent

Vs.

L.Giridhar

.. Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.397 of 2014 pending on the file of the Sub Court, Poonamallee and transfer the same to the file of the I Additional Family Court, Chennai or to any other competent court.

For Petitioner : Mr.P.V.Ferdinand

For Respondent : Mr.C.Rajasekar

O R D E R

The petitioner/wife, who is the respondent in H.M.O.P.No.397 of 2014 pending on the file of the Sub Court, Poonamallee has filed this petition to transfer the same to the file of the I Additional Family Court, Chennai where she has filed a petition for maintenance in M.C.No.425 of 2014.

2. Learned counsel for the petitioner/wife submitted that the respondent/husband has filed a petition in H.M.O.P.No.397 of 2014 for divorce on the ground of cruelty, before the Sub Court, Poonamallee. It is further submitted that the petitioner/wife is residing in Chennai along with her daughter, who is now three years old and hence, it is difficult for her to travel from Chennai to Poonamallee to attend each and every hearing. Therefore, she prays that the case may be transferred from the Sub Court, Poonamallee to the file of the I Additional Family Court, Chennai.

3. Learned counsel for the respondent submitted that the respondent has no objection to transfer the petition as sought for by the petitioner. It is further submitted that he sought for an earlier disposal of the petition in H.M.O.P.No.397 of 2014.

4. Recording the submissions made by both sides, I am inclined to order transfer, by applying the guidelines laid down in 2000 (2) T.L.N.J.158 (Sudha v. Vaidyanathan), since the petitioner is having three years old female child. Accordingly, the petition in H.M.O.P.No.397 of 2014 is ordered to be withdrawn from the file of the Sub Court, Poonamallee and transferred to the file of the I Additional Family Court, Chennai, for disposal in accordance with law. The Presiding Officer, Sub-Court, Poonamallee, is directed to transmit all the records pertaining to H.M.O.P.No.397 of 2014 to the I Additional Family Court, Chennai, within a period of fifteen days from the date of receipt of a copy of this order. The Presiding Officer, I Additional Family Court, Chennai, is directed to dispose of the petition in H.M.O.P.No.397 of 2014, after giving fair opportunity to both sides, within four months from the date of receipt of the material papers.

5. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.
Cse

Sd/-
Assistant Registrar (C.C.C.)

/True Copy/

Sub-Assistant Registrar

To

1. The Subordinate Judge,
The Sub-Court, Poonamallee
2. The I Additional Family Court,
Chennai.

+1 C.C. To MR.L.Rajasekar, Advocate in SR.NO.59698

Tr.C.M.P. No.871 of 2014
and M.P.No.1 of 2014

PUR(CO)
sd : 17/11/2015