

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.872 of 2014

G.Lakshmi Petitioner

Vs.

Raja Ganapathy Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw and transfer H.M.O.P.No.99 of 2013 pending from the file of the Sub-Court, Tiruvannamalai, to the file of the Family Court, Chennai.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.E.Udayachander

O R D E R

The wife, who is the respondent in H.M.O.P.No.99 of 2013, has filed this petition to transfer H.M.O.P.No.99 of 2013 pending on the file of the Sub-Court, Tiruvannamalai, to the file of the Family Court, Chennai, for disposal.

2.Learned counsel for the petitioner submits that the respondent/husband has filed a petition in H.M.O.P.No.99 of 2013 on the file of the Sub-Court, Tiruvannamalai, for divorce. He further submits that the petitioner/wife is residing in Chennai along with her three years old child. Further, she is not financially well. So it is difficult for her to attend each and every hearing before the Sub-Court, Tiruvannamalai. Therefore, he prays that the case may be transferred to the Family Court, Chennai.

3. There is no representation on behalf of the respondent for the past several hearings. Even though the matter is posted today under the caption 'for orders', there is no representation on behalf of him.

4. Considering the submission made by the learned counsel for the petitioner as well as the averments in the affidavit filed in support of this petition, since the petitioner/wife is having three years old child and she is not financially well, it is difficult for her to attend the Court at Tiruvannamalai. Therefore, by applying the guidelines laid down in 2000 (2) T.L.N.J.158 (Sudha v. Vaidyanathan), I am inclined to order transfer. Accordingly, the petition in H.M.O.P. No.99 of 2013, which is now pending on the file of the Sub-Court, Tiruvannamalai, is ordered to be withdrawn and transferred to the file of the II Additional Family Court, Chennai, for disposal in accordance with law. The Presiding Officer, Sub-Court, Tiruvannamalai, is directed to transmit all the records pertaining to H.M.O.P.No.99 of 2013 to the file of the II Additional Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

5. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The Sub-Court, Tiruvannamalai.
2. II Additional Family Court, Chennai.

1 cc to M/s. B. Jawahar, Advocate, Sr. 66154

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PPA (CO)
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