



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.4.2015

CORAM

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN

Tr.C.M.P.No.12 of 2015

and

M.P.No.1 of 2015

R.Latha

...Petitioner

vs.

M.J.Gopinath

...Respondent

Petition filed under section 24 of CPC to withdraw H.M.O.P.No.182 of 2014 from the file of the Family Court, Tiruvallur to transfer the same to the I Additional Family Court, Chennai.

For petitioner : Mr.J.Saravana Vel

ORDER

Wife has come before this court seeking transfer of the divorce petition viz., H.M.O.P.No.182 of 2014 pending on the file of the Family Court, Tiruvallur filed by the respondent-husband to the file of the I Additional Family Court, Chennai where the petitioner's maintenance case in M.C.No.563 of 2013 is pending.

2. When the matter came up on 13.2.2015, Mr.M.Vijayakumar, who was on record as counsel for the respondent reported that he is no longer counsel for the respondent and therefore, his name was directed to be deleted from the cause list while printing the name respondent. Accordingly, the name of the respondent is printed, but, when the matter is called to day, neither the respondent appears in person nor through a counsel. Therefore, this court has decided to proceed with the merits of the matter.



3. The petitioner got married with the respondent out of the wedlock, two children were born. Thereafter, due to some dispute, both the parties are living separately. The petitioner filed M.C.No.563 of 2013 before the I Additional Family Court, Chennai wherein the respondent is regularly appearing. After filing of the above case, the respondent filed H.M.O.P.No.182 of 2014 on the file of the Family Court, Tiruvallur against the petitioner. When already maintenance case was filed by the petitioner and the respondent herein also appears regularly in that case, the respondent should have filed a petition only before the Family Court, Chennai. However, he has chosen to file the same before the Family Court, Tiruvallur.

4. Taking into consideration the status of the petitioner as a lady with two children, this court is of the view that it is impossible for her to travel to Tiruvallur. Therefore, on that ground, H.M.O.P.No.182 of 2014 pending on the file of the Family Court, Tiruvallur is transferred to the I Additional Family Court, Chennai to be tried alongwith M.C.No.563 of 2013 pending on its file. The I Additional Family Court, Chennai is directed to dispose of both the matters jointly as expeditiously as possible.

5. The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The Judge, Family Court,
Tiruvallur

2. The Judge, I Additional Family Court,
Chennai.

1 CC to Mr.J.Saravana Vel, Advocate SR.No. 21928

Tr.C.M.P.No.12 of 2015

MP (CO)

PSI (22.05.2015)