

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

Tr.C.M.P.No. 192 of 2015

&

M.P. No. 1 of 2015

S. Elumalai

.. Petitioner

Vs.

Smt. Kalpana Devi

.. Respondent

Prayer: Petition filed under section 24 of CPC to withdraw H.M.O.P. No. 43 of 2011 pending on the file of learned Subordinate Judge, Maduranthakam and transfer the same to any Family Court at Chennai.

For Petitioner : Mr.M.V. Muralidharan

For Respondent : Dr.S. Padma

O R D E R

The husband has come before this Court seeking to transfer H.M.O.P. No. 43 of 2011, pending on the file of Sub Court, Maduranthakam, filed by the respondent/wife, to the file of Family Court, Chennai.

2. Both the parties are present before this Court along with the children. Though the respondent/wife seeks divorce, by consent, the petitioner/husband is not interested in consenting for divorce. In view of that, this Court proceeds to pass orders on merits.

3. In H.M.O.P. No. 43 of 2011 filed by the respondent/wife for divorce, evidence has already been recorded and the matter is posted for arguments. Only at the eleventh hour, the petitioner has come before this Court, that too, with a false plea that the respondent/wife is working in Chennai and that she is residing in a Ladies Hostel in Chennai, while actually, the respondent is residing in Achcharapakkam and working in Chengleput Government Hospital. But,

the petitioner has deliberately suppressed material facts and made false pleas before this Court, which is to be deprecated.

4. It is submitted by the learned counsel for the respondent/wife that H.M.O.P. No. 43 of 2011 is at the stage of arguments and it is to be listed during the fourth week of July, 2015.

5. Considering the above submission made by the learned counsel for the respondent, this Court, while dismissing the transfer C.M.P. filed by the petitioner, directs the learned Sub Judge, Maduranthakam, to hear the arguments and pass final orders in H.M.O.P. No. 43 of 2011 on or before 10.08.2015 and file a report about the compliance of this order before this Court by 14.08.2015.

6. For making false pleas, the petitioner is slapped with cost of Rs.2500/- (Rupees Two Thousand and Five hundred only), payable by him, on or before 09.08.2015, to the Chief Justice Relief Fund.

7. The transfer C.M.P. is dismissed with the above direction. No costs. Connected M.P. is closed.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

nv

To

1.The Subordinate Judge,
Madurantakam.

2.The Section Officer,
Accounts Section,
High Court, Madras.

+ 1 cc to Mr.M.V.Muralidaran, Advocate (SR.35854)

SVD (CO)
YJ 27.07.15

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