

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.7 of 2015

and MP.No.1 of 2015

C.Ambiga

... Petitioner

Vs.

C.Kuppusamy

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.266 of 2014 pending on the file of the Subordinate Judge, Poonamallee and transfer the same and tried along with M.C.No.117 of 2014 pending on the file of the II Additional Family Court, Chennai.

For Petitioner : Mr.M.Ravindhar

For respondent : M/s.Sumathi
for Mr.Premkumar.

ORDER

The wife, who is the respondent in H.M.O.P.No.266 of 2014, has come forward with this petition to transfer the same from the file of the Sub-Court, Poonamallee, to the file of the II Additional Family Court, Chennai and to be tried jointly with M.C.No.117 of 2014 filed by her.

2. Learned counsel for the petitioner/wife submitted that the respondent/husband has filed a petition in H.M.O.P.No.266 of 2014 on the file of the Sub-Court, Poonamallee, for divorce. The petitioner/wife has filed a petition in M.C.No.117 of 2014 on the file of the II Additional Family Court, Chennai, for maintenance. Since her parents are aged persons, she has no other source to take care of her parents and therefore, it is difficult for her to travel from Perambur, Chennai to attend the Court at Poonamallee. Hence, she prays that H.M.O.P.No.266 of 2014 may be transferred from the file of the Sub-Court, Poonamallee to the file of the II Additional Family Court, Chennai and tried along with M.C.No.117 of 2014, which is pending on its file.

3. Learned counsel for the respondent submitted that she has no objection to transfer the petition as sought for by the petitioner. She further submitted that M.C.No.117 of 2014 is pending before the I Additional Family Court, Chennai not before II Additional Family Court, Chennai.

4. Considering the no objection given by the learned counsel for the respondent, the petition in H.M.O.P.No.266 of 2014 is ordered to be withdrawn from the file of the Sub-Court, Poonamallee and transferred to the file of the I Additional Family Court, Chennai. The Presiding Officer, Sub-Court, Poonamallee is directed to transmit all the records pertaining to H.M.O.P.No.266 of 2014 to the file of I 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. Consequently, connected Miscellaneous Petition is closed.

Kj

Sd/-

Assistant Registrar (C.C.C.)

/True Copy/

Sub-Assistant Registrar

To

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

+2 C.Cs to Mr.M.Ravindhar, Advocate in SR.NO.59970

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Tr.C.M.P. No.7 of 2015
and M.P.No.1 of 2015

RSK(CO)

sd : 17/11/2015