

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Tr.C.M.P.No.728 of 2015

and

M.P.No.1 of 2015

N.Latha

.. Petitioner

Vs

M.Sathishkumar

.. Respondent

Prayer: Civil Revision Petition filed under Section 24 of the Civil Procedure Code, 1908 to withdraw the case in F.C.O.P.No.9 of 2015 on the file of the Family Court, Vellore and transfer the same to the file of the Subordinate Court, Vaniyambadi.

For Petitioner : Mr.S.Thamizharasi

For Respondent : Mr.K.Vijayakumar

O R D E R

This petition has been filed to withdraw the case in F.C.O.P.No.9 of 2015 on the file of the Family Court, Vellore and transfer the same to the file of the Subordinate Court, Vaniyambadi.

2.Learned counsel for the petitioner/wife submitted that the respondent/husband has filed a petition in F.C.O.P.No.9 of 2015 for restitution of conjugal rights before the Family Court, Vellore. It is further submitted that the petitioner/wife is residing in Ambur along with her child, who is now 2 years old. He further submitted that the distance between Ambur and Vellore is nearly 50 kms and hence, it is difficult for her to travel from Ambur to Vellore to attend each and every hearing. Therefore, she prays that the case may be transferred from the Family Court, Vellore to the file of the Sub Court, Vaniyambadi.

3.At this juncture, the learned counsel for the respondent would submit that since the respondent/husband is residing at Vellore, he prays to transfer the case in F.C.O.P.No.9 of 2015 to the Sub Court, Gudiyatham.

4.Considered the rival submissions made on both sides and perused the typed set of papers.

5.Considering the argument advanced by the learned counsel for the petitioner, since the petitioner is having 2 years old child, I am inclined to order transfer, by applying the guidelines laid down in 2000 (2) T.L.N.J.158 (Sudha v. Vaidyanathan),. Accordingly, the petition in F.C.O.P.No.9 of 2015 is ordered to be withdrawn from the file of the Family Court, Vellore and transferred to the file of the Sub Court, Vaniyambadi, for disposal in accordance with law. The Presiding Officer, Family Court, Vellore, is directed to transmit all the records pertaining to F.C.O.P.No.9 of 2015 to the Sub Court, Vaniyambadi, within a period of fifteen days from the date of receipt of a copy of this order. The Presiding Officer, Sub-Court, Vaniyambadi, is directed to dispose of the petition in F.C.O.P.No.9 of 2015, within a period of three months from the date of receipt of the material papers.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cse

To

1.The Family Court, Vellore.

2.The Subordinate Judge, Vaniyambadi.

+ 1 cc to Mr.Thamizharasi, Advocate Sr.63395

+ 1 cc to Mr.P. Mahalakshmi, Advocate Sr.63358

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VS (CO)

EU 10.12.15