

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Tr.C.M.P.No.804 of 2015

and

M.P.No.1 of 2015

P.Abarna ... Petitioner

Vs

J.Jeyaprakashkanna ... Respondent

Prayer: Civil Revision Petition filed under Section 24 of the Civil Procedure Code, 1908 to withdraw the case in H.M.O.P.No.770 of 2015 on the file of the Family Court, Madurai and transfer the same to the Principal Subordinate Court, Tiruvannamalai.

For Petitioner : Mr.S.Silambu Selvan

For Respondent : Mr.S.Joel

O R D E R

This petition has been filed to withdraw the case in H.M.O.P.No.770 of 2015 from the file of the Family Court, Madurai and to transfer the same to the Principal Subordinate Court, Tiruvannamalai.

2.Learned counsel for the petitioner/wife submitted that the respondent/husband has filed a petition in H.M.O.P.No.770 of 2015 for restitution of conjugal rights before the Family Court, Madurai. It is further submitted that the petitioner/wife is residing at Tiruvannamalai along with her daughter, who is now 1½ years old. He further submitted that it is difficult for her to travel from Tiruvannamalai to Madurai to attend each and every hearing. Therefore, she prays that the case may be transferred from the Family Court, Madurai to the file of the Principal Subordinate Court, Tiruvannamalai.

3.Notice to the respondent has been ordered on 16.11.2015 and even though notice has been served, no one represented the

respondent. Hence, the Registry is directed to print the name of the respondent. Thereafter, the petitioner's arguments was heard and the matter was posted on 17.12.2015 for respondent's arguments and for orders. On 17.12.2014, it was represented by the learned counsel for the respondent that he has not received the typed set of papers and hence the learned counsel for the petitioner was directed to furnish the typed set of papers and the matter was posted today (21.12.2015) under the caption 'for orders'. Even today, the learned counsel for the respondent is not ready.

4.Considering the argument advanced by the learned counsel for the petitioner, since both the petitioner and the respondent are Doctors and they very well know about the consequences of the proceedings and further, the petitioner is having 1½ years old female 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 H.M.O.P.No.770 of 2015 is ordered to be withdrawn from the file of the Family Court, Madurai and transferred to the file of the Principal Subordinate Court, Tiruvannamalai, for disposal in accordance with law. The Presiding Officer, Family Court, Madurai, is directed to transmit all the records pertaining to H.M.O.P.No.770 of 2015 to the Principal Subordinate Court, Tiruvannamalai, within a period of fifteen days 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.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cse

To

- 1.The Judge, Family Court, Madurai.
- 2.The Principal Subordinate Judge, Tiruvannamalai.

1 cc to Mr.S. Joel, SR. 69449

1 cc to Mr.S. Silambu Selvan, Sr. 68781

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TEJ (CO)

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