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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P. No.82 of 2015
and M.P.No.1 of 2015

S.Priyadharshini

... Petitioner

Vs.

V.Janaki Raman

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw and transfer H.M.O.P.No.63 of 2013 pending from the file of the Sub-Court, Rasipuram, to the file of the Sub-Court, Chengalpet.

For Petitioner : Mr.L.Prabahar

For Respondent : Mr.R.Nalliyappan

O R D E R

The wife, who is the respondent in H.M.O.P.No.63 of 2013, has filed this petition to transfer H.M.O.P.No.63 of 2013 pending on the file of the Sub-Court, Rasipuram, to the file of the Sub-Court, Chengalpet, for disposal.

2.Learned counsel for the petitioner submits that the respondent/husband has filed a petition in H.M.O.P.No.63 of 2013 on the file of the Sub-Court, Rasipuram, for restitution of conjugal rights. He further submits that the petitioner/wife is residing in Chengalpet along with her two school going children. So it is difficult for her to attend each and every hearing before the Sub-Court, Rasipuram. Therefore, she prays that the case may be transferred to the Sub-Court, Chengalpet.

3.Resisting the same, learned counsel for the respondent submits that the respondent/husband is residing within the jurisdiction of Rasipuram and cause of action has been arose at Rasipuram. So it is difficult for him to attend the Court at Chengalpet. Therefore, he prayed for dismissal of the petition.

4.Considering the submission made by the learned counsel for the petitioner as well as the averments in the affidavit filed in support of this petition, since the petitioner/wife is



having two school going children, it is difficult for her to attend the Court at Rasipuram. So it is a fit case for order transfer. Accordingly, the petition in H.M.O.P. No.63 of 2013, which is now pending on the file of the Sub-Court, Rasipuram, is ordered to be withdrawn and transferred to the file of the Family Court, Chengalpet, for disposal in accordance with law. The Presiding Officer, Sub-Court, Rasipuram, is directed to transmit all the records pertaining to H.M.O.P.No.63 of 2013 to the file of the Family Court, Chengalpet, within a period of two weeks from the date of receipt of a copy of this order. The Presiding Officer, Family Court, Chengalpet, is directed to dispose of H.M.O.P.No.63 of 2013 within a period of six months from the date of receipt of material papers, after following the procedure and giving opportunity to both sides.

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

kj

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1.The presiding Officer,
Family Court, Chengalpet.

2.The Presiding Officer,
Sub-Court, Rasipuram.

+ 1 cc to Mr.R.Nalliyappan, Advocate SR 65498

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