

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2016

CORAM

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P.No.750 of 2014
and M.P.No.1 of 2014

Umayal@ Saradha ... Petitioner/Respondent

Vs

R.Venkatachalam ... Respondent/Petitioner.

This Petition filed under Section 24 of Civil Procedure Code to withdraw the petition in H.M.O.P.No.3985 of 2014 on the file of the III Additional Family Court, Chennai and transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.S.Gunalan

For Respondent : Mr.D.Baskar

O R D E R

The wife, who is the respondent in H.M.O.P.No.3985 of 2014, has come forward with this petition to transfer the same from the file of the III Additional Family Court, Chennai, to the file of the Family Court, Coimbatore.

2.Learned counsel for the petitioner submitted that the respondent/husband has filed a petition in H.M.O.P.No.3985 of 2014 for divorce on the file of the III Additional Family Court, Chennai. It is further submitted that the petitioner/wife is now residing within the jurisdiction of Coimbatore along with her 1 ½ year old male child. Further, the wife has filed a petition in D.V.A.No.52 of 2014 against the husband and his family members before the Judicial Magistrate's Court No.VI, Coimbatore. Hence, it is difficult for her to travel from Coimbatore to Chennai to attend each and every hearing. Therefore, she prays that the case may be transferred from the III Additional Family Court, Chennai, to the file of the Family Court, Coimbatore.

3.Learned counsel for the respondent/husband submitted that there is a chance for settlement and that settlement talks are going on. Hence, he prayed for dismissal of the petition. But the above contention has been denied by the learned counsel for the petitioner.

4.Considering the rival submissions made on both sides and perusing the typed set of papers, since the petitioner/wife is residing in Coimbatore along with her 1 ½ year old male child, by applying the guidelines laid down in 2000 (2) T.L.N.J.158 (Sudha v. Vaidyanathan), I am inclined to order transfer. Accordingly, the petition in H.M.O.P.No.3985 of 2014 is ordered to be withdrawn from the file of the III Additional Family Court, Chennai and transferred to the file of the Family Court, Coimbatore, for disposal in accordance with law. The Presiding Officer, III Additional Family Court, Chennai, is directed to transmit all the records pertaining to H.M.O.P.No.3985 of 2014 to the file of the Family Court, Coimbatore, 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.

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s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The III Additional Family Court, Chennai.
2. The Family Court, Coimbatore.

+ 1 cc to Mr.S.Gunalan, Advocate SR 3974

+ 1 cc to Mr.D.Baskar, Advocate SR 4057

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