

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.474 OF 2015
AND M.P.NO.1 OF 2015

Rajeev Ranjan Kumar ..Petitioner/Respondent

versus

Annu Singh ..Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure with a prayer to withdraw the proceedings in H.M.O.P.No.4698 of 2012 now pending on the file of the 3rd Additional Family Judge, Chennai and transfer the same to the file of the Subordinate Judge at Poonamallee.

For Petitioner : Mr.P.Raja
For Respondent : Mr.L.Rajasekar

O R D E R

The respondent in O.P.No.4698 of 2012 on the file of the III Additional Family Court, Chennai, is the petitioner in this transfer petition.

2. The respondent instituted a proceedings in O.P.No.4698 of 2012, against the petitioner, praying for a decree of divorce. The petitioner, on receipt of notice from the Trial Court and appearing on few occasions, filed this Transfer Civil Miscellaneous Petition to transfer the matter to a Court at Poonamallee.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. The proceedings in O.P.No.4698 of 2012 is now pending before the III Additional Family Court, Chennai. The petitioner is pursuing his studies at IIT Kharagpur. According to the petitioner, it would be difficult for him to appear before the Family Court at Chennai for defending the proceedings.

5. The petitioner has to come to the Court at Chennai from Kharagpur. According to the petitioner, being a Family Court, his personal presence is a must and he would not be permitted to appear through counsel.

6. There is no question of transferring the proceedings from III Additional Family Court, Chennai to the Sub Court at Poonamallee, in view of the factual position that even the petitioner is not a resident of Poonamallee. Nothing preventing the petitioner from making an application before the Trial Court to dispense with his personal appearance on the normal dates of hearing. In any case, the petitioner has not made out a case for transfer.

7. The petitioner is given liberty to file appropriate application before the Trial Court, to dispense with his personal appearance, on the normal dates of hearing, subject to the condition that he would appear on all the effective dates of hearing. In case, any such application is filed, the same shall be considered and disposed of by the learned Trial Judge, taking into consideration the fact that the petitioner is a student of IIT, at Kharagpur.

8. The Transfer Civil Miscellaneous Petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

TK
To

1. The III Additional Family Court
Chennai.

2. The Subordinate Judge, Poonamallee.

+ 1 cc tdo Mr.L. Rajasekar, Advocate Sr.59738

SKV(CO)
EU 02.12.16

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