

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Tr.C.M.P.No.630 of 2015
and M.P.No.1 of 2015

P.Sumithra

... Petitioner

Versus

Soundarajan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw and transfer H.M.O.P.No.32 of 2015 on the file of the Sub Court, Harur to the Family Court, Salem to be tried along with M.C.No.28 of 2015.

For Petitioner : Mr.I.Abrar Mohammed Abdullah
For Respondent : No appearance

ORDER

The respondent initiated proceedings in H.M.O.P.No.32 of 2015 against the petitioner before the Sub Court, Harur, under Section 9 of the Hindu Marriage Act, 1955. The petitioner, on the other hand, filed a maintenance case in M.C.No.28 of 2015 against the respondent on the file of the Family Court, Salem. The petitioner has come up with this Transfer Petition to transfer the proceedings in H.M.O.P.No.32 of 2015 from the file of Sub Court, Harur to the file of Family Court, Salem, for disposal along with M.C.No.28 of 2015.

2. Heard the learned counsel appearing for the petitioner. None appears on behalf of the respondent.

3. There are two proceedings now pending before two different Courts.

4. The petitioner is a permanent resident of Neththimedu, Salem District. The minor child born to the petitioner is living with her at Salem. According to the petitioner, it would be difficult for her to travel from Harur to Salem for the purpose of defending the proceedings in H.M.O.P.No.32 of 2015. There is nothing on record to suspect the bona fides in filing the Transfer Petition. I am therefore of the view that the Transfer Petition deserves to be allowed.

5. The proceedings in H.M.O.P.No.32 of 2015 is withdrawn from the file of Sub Court, Harur and is transferred to the file of Family Court, Salem, for disposal along with M.C.No.28 of 2015.

6. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

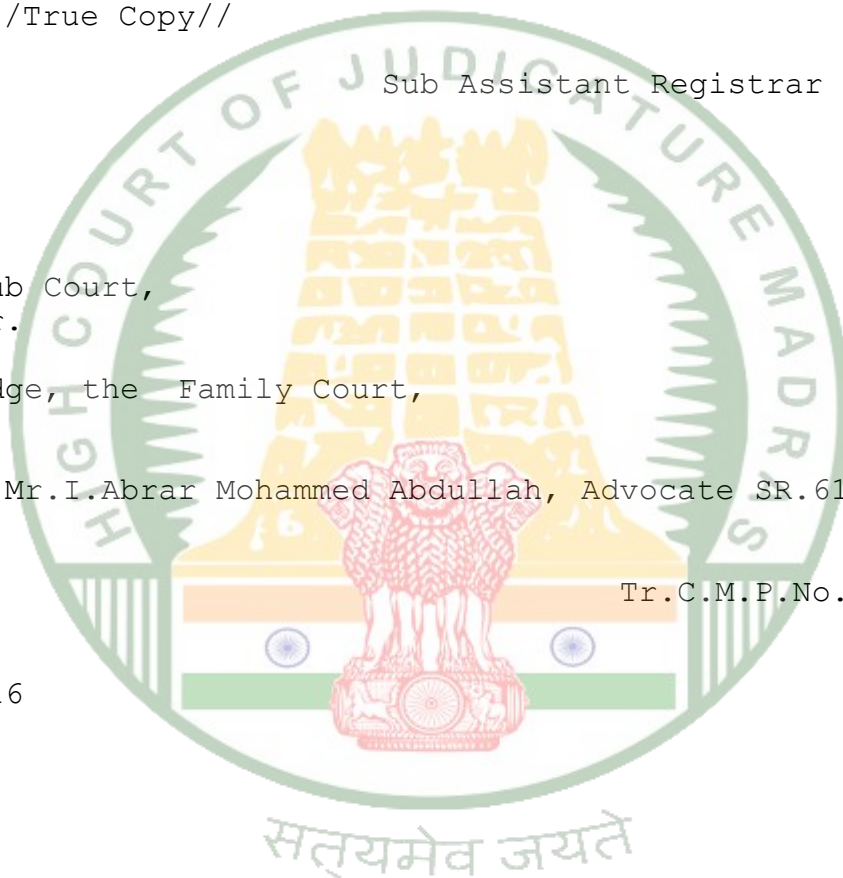
1. The Sub Court,
Harur.

2. The Judge, the Family Court,
Salem.

+ 1 cc to Mr.I.Abrar Mohammed Abdullah, Advocate SR.61069

Tr.C.M.P.No.630 of 2015

SSI (CO)
Eu 21.11.16



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