

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P.No.731 of 2015

S.Thaiyal Nayaki

... Petitioner

Vs.

R.R.Karthikeyan

... Respondent

Transfer C.M.P. filed under Section 24 of the Code of Civil Procedure praying to withdraw O.P.No.129 of 2015 pending on the file of the III Sub Court, Tambaram and transfer the same to the file of the Sub Court, Thiruvarur.

For Petitioner : Mr.K.R.Ramesh Kumar

For Respondent : Mr.K.M.Subramaniam

O R D E R

Seeking withdrawal of O.P.No.129 of 2015 pending on the file of the Sub Court, Tambaram and transfer of the same to the file of the Sub Court, Thiruvarur, the petitioner has come up with this petition.

2. The respondent, who is the husband of the petitioner has filed a petition in O.P.No.129 of 2015 on the file of the Sub Court, Tambaram seeking divorce from the petitioner. As the petitioner/wife is residing in Nagapattinam, she has sought transfer of the said O.P. to the Sub-Court, Tiruvarur, which, according to the petitioner, is near to her place of residence.

3. In reply, learned counsel appearing for the respondent submitted that the petitioner/wife filed a petition for restitution of conjugal rights and even though an order was passed in the said petition, the petitioner/wife did not resume to her matrimonial home. Hence, the respondent/husband was forced to file a petition for divorce on the grounds of cruelty and desertion. It is his contention that even though the petitioner/wife is presently residing in Nungambakkam, Chennai, she has sought transfer of the case to Thiruvarur. However, pleading early disposal of the said O.P., learned counsel expressed no objection for transfer of the said O.P. to the file of the Sub Court, Tiruvarur.

4. Recording the submission of the learned counsel for the respondent, this Court is of the view that this is a fit case for directing transfer of the case and accordingly, O.P.No.129 of 2015 filed by the respondent/husband on the file of the Sub Court, Tambaram is ordered to be withdrawn and transferred to the file of the Sub Court, Thiruvarur. The Subordinate Judge, Tambaram is directed to transmit all the records pertaining to O.P.No.129 of 2015 to the file of the Sub Court, Thiruvarur within a period of two weeks from the date of receipt of a copy of this order. The Subordinate Judge, Thiruvarur, is directed to dispose of the petition within a period of six months from the date of receipt of material papers, after following necessary procedure and giving opportunity of hearing to both parties.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To:

1. The Sub Court,
Tambaram.
2. The Sub Court,
Thiruvarur.

+1cc to M/S.K.R.Ramesh Kumar, Advocate, S.R.No.3526
+1cc to Mr.K.M.Subramanian, Advocate, S.R.No.3096

Tr.C.M.P.No.731 of 2015

ppa (CO)
srg 11/02/2016