

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Tr.C.M.P.No.830 of 2015
and MP.No.1 of 2015

Amusha ... Petitioner

Vs.

M.Suresh ... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw O.P.No.2410 of 2014 pending on the file of the III Additional Family Court, Chennai and transfer the same to the file of the Family Court, Tirunelveli to try along with M.C.No.47 of 2015 pending on its file.

For Petitioner : Mrs.B.Sujatha
For respondent : No appearance

ORDER

The wife, who is the respondent in O.P.No.2410 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, Tirunelveli and to be tried jointly with M.C.No.47 of 2015, which is pending on its file.

2.Learned counsel for the petitioner/wife submitted that the respondent/husband has filed a petition in O.P.No.2410 of 2014 on the file of the III Additional Family Court, Chennai, for divorce. The petitioner/wife has filed a petition in M.C.No.47 of 2015 on the file of the Family Court, Tirunelveli, for maintenance. She further submitted that the petitioner/wife is residing in Tirunelveli along with her two children. Hence, it is difficult for her to travel from Tirunelveli to attend the Court at Chennai. Therefore, she prays that O.P.No.2410 of 2014 may be transferred from the file of the III Additional Family Court, Chennai to the file of the Family Court, Tirunelveli and tried along with M.C.No.47 of 2015, which is pending on its file.

3.Even though the respondent was served with notice, no one represented on behalf of him. Hence, the matter was posted today under the caption 'for orders'. Even today, no one represented on behalf of the respondent.

4.Considering the submissions made by the learned counsel for the petitioner as well as the averments in the affidavit filed in support of this petition, it is a fit case for order transfer. Accordingly, the petition in O.P.No.2410 of 2014 is ordered to be withdrawn from the file of the III Additional Family Court, Chennai and transferred to the file of the Family Court, Tirunelveli and tried along with M.C.No.47 of 2015 pending on its file. The Presiding Officer, III Additional Family Court, Chennai, is directed to transmit all the records pertaining to O.P.No.2410 of 2014 to the file of the Family Court, Tirunelveli, within a period of three 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.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Kj

To

1. The Presiding Officer,
Family Court, Tirunelveli.

2. The Presiding Officer,
III Additional Family Court, Chennai.

+ 1 cc to Mr.B.b Sujatha, Advocate Sr.910

Tr.C.M.P. No.830 of 2015
and M.P.No.1 of 2015

SVI (CO)
Eu 12.1.16

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