

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.129 of 2016

&

C.M.P.No.3138 of 2016

K.J.Sangeetha

... Petitioner

vs.

V.Premkumar@Prabu

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the entire proceedings in connection with H.M.O.P.No.2442 of 2015 on the file of the III Additional Family Court, Chennai and transfer the same to the Subordinate Court, Chengalpet.

For Petitioner : Mr.R.Sivaraman

ORDER

The arguments advanced by Mr.R.Sivaraman, learned counsel for the petitioner are heard.

2. The petitioner is the wife of the respondent. She has filed this petition seeking transfer of H.M.O.P.No.2442 of 2015 from the file of III Additional Family Court, Chennai to the Sub-Court at Chengalpet. The petitioner herself has given her address as No.A-3, 588-F, Kailasapuram Township, BHEL, Thiruchirappalli- 620 014. The respondent is residing at Old No.29, New No.10, North Jaganatha Nagar, 8th Street, Villivakkam, Chennai - 49. It seems the petitioner has filed a petition for restitution of conjugal rights against the respondent in H.M.O.P.No.243 of 2015 on the file of the Principal Subordinate Judge at Thiruchirappalli and a maintenance case in M.C.No.43 of 2015 in the Court of the Chief Judicial Magistrate, Thiruchirappalli. Since the respondent has chosen to file H.M.O.P.No.2442 of 2015 in the Family Court at Chennai, the petitioner has chosen to file this petition seeking transfer of the above said O.P alone to the file of the Sub-Court, Chengalpet. It shows her intention to drag the respondent to

Thiruchirappalli in the two cases filed by her and also to get a transfer of the case filed by the respondent to a place of her choice which shall be inconvenient to the respondent. In view of the same, this Court is of the view that the petition is not bonafide and the same deserves to be dismissed at the time of admission itself.

3. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The III Additional Judge,
Family Court,
Chennai.
- 2.The Subordinate Judge,
Chengalpet.

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mp (CO)
srg (11/03/2016)

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