

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

Tr.C.M.P.No.133 of 2016

&

C.M.P.No.3207 of 2016

M.Bhargavi

... Petitioner

vs.

Saravanan Sethuraman

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw I.A.No.2097 of 2015 in F.C.O.P.No.2022 of 2015 pending on the file of the III Additional Family Court at Chennai and transfer the same to any of Court of the Additional Judge, Family Court, Chennai.

For Petitioner : Ms.K.M.Nalini Shree

For Respondent : Mr.R.Sivaraman

ORDER

This Transfer Civil Miscellaneous Petition has been filed for withdrawal of I.A.No.2097 of 2015 in F.C.O.P.No.2022 of 2015 pending on the file of III Additional Family Court, Chennai and to transfer the same to the Court of any other Judge, Family Court, Chennai.

2. The F.C.O.P. filed by the petitioner was allowed by an ex parte decree. The respondent herein filed an application in I.A.No.2097 of 2015 to set aside the ex parte decree dated 02.11.2015 passed in F.C.O.P.No.2022 of 2015. Since the petitioner herein apprehends bias on the part of the Presiding Officer, she has approached this Court with the present petition for transfer.

3. The learned counsel for the petitioner submits that along with the application in I.A.No.2097 of 2015, two more applications were filed and those applications were taken on file as I.A.Nos.2098 and 2099 of 2015 and that all the proceedings in F.C.O.P.No.2022 of 2015 may be transferred to any other Court.

4. The respondent is represented by a counsel. Mr.R.Sivaraman, the learned counsel appearing for the respondent submits that without admitting the allegation of bias made by the petitioner, the respondent would give his consent for the transfer of proceedings now pending in I.A.No.2097 of 2015 in F.C.O.P.No.2022 of 2015 from the file of III Additional Family Court, Chennai to any other Court in Chennai. An endorsement to that effect has also been made.

5. Recording the endorsement, the Transfer Civil Miscellaneous Petition is allowed and the further proceedings in F.C.O.P.No.2022 of 2015 pursuant to the filing of the applications in I.A.Nos.2097 to 2099 of 2015 are withdrawn from the file of III Additional Family Court, Chennai and transferred to the file of Principal Judge, Family Court, Chennai for disposal according to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

vsm

To

1.The Principal Judge,
Family Court,
Chennai.

2.The III Additional Judge,
Family Court.
Chennai.

1 cc to Mr.P. ramesh Kumar, Advocate, Sr. 22939

1 cc to Ms.K.M. Nalinishree, Advocate, Sr. 23079

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KGK (CO)
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