

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition No.163 of 2016

and

C.M.P.No.4551 of 2016

S.Gayathri ...Petitioner/Respondent

Vs.

N.Mohan ...Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw the proceedings pending in H.M.O.P. No.286 of 2016 on the file of the I Additional Family Court, Chennai and transfer the same to the Subordinate Court, Vaniyambadi, Vellore District.

For Petitioner :Mr.M.Vijayanand

For Respondent :Mr.C.H.Vinobha Gandhi

O R D E R

Petitioner has filed the present petition seeking transfer of H.M.O.P. No.286 of 2016 pending on the file of I Additional Family Court, Chennai to the file of Subordinate Court, Vaniyambadi, Vellore District.

2. Learned counsel for petitioner places reliance on an order of this Court passed in Transfer C.M.P. No.798 of 2014 dated 13.10.2015, where under H.M.O.P. No.379 of 2014 on the file of the Subordinate Court, Poonamallee, an action moved by the respondent/husband seeking restitution of conjugal rights, was transferred to the Subordinate Court, Vaniyambadi, Vellore District.

3.Learned counsel for respondent submits that the husband, now having sought divorce, is no longer pressing the proceedings for restitution. Learned counsel submits that at an earlier date of proceedings before the Court at Vaniyambadi, Vellore, some

untoward incident took place, resulting in the respondent filing a complaint before the Thirupathur Police Station in Crime No.424 of 2015.

4.On consideration of the submissions on either counsel, this Court is of the view that both the H.M.O.P. No.286 of 2016 pending on the file of I Additional Family Court, Chennai as also the matter in H.M.O.P. No.379 of 2014 on the file of the Subordinate Court, Poonamallee may be transferred to a mutually convenient place. Accordingly, this Court would direct as follows:

1.H.M.O.P. No.286 of 2016 pending on the file of I Additional Family Court, Chennai, shall stand transferred to the file of Judicial Magistrate No.I, Vellore.

2. H.M.O.P. No.379 of 2014 on the file of the Subordinate Court, Poonamallee, shall stand transferred to the file of Judicial Magistrate No.I, Vellore.

3. The Judicial Magistrate No.I, Vellore, is directed to dispose of petitions as expeditiously as possible.

The Transfer Civil Miscellaneous Petition, accordingly, is ordered. No costs. Consequently, connected miscellaneous petition is closed.
vga

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The I Additional Judge, Family Court, Chennai.

2.The Subordinate Judge, Vaniyambadi, Vellore District.

3.The Judicial Magistrate No.I, Vellore.

+ 1 cc to Mr.M.Vijayanand, Advocate Sr 31704

+ 1 cc to Mr.C.H.Vinobha Gandhi, Advocate Sr 32238

KR/4/7/16

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