

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Transfer C.M.P.No.186 of 2016

And

C.M.P.No.5308 of 2016

R.Sridevi ... Petitioner/Respondent

Versus

S.Azhagiya Nambi ... Respondent/Petitioner

This Petition filed under Section 24 of C.P.C. praying to withdraw F.C.O.P.No. 301 of 2015 on the file of the Family Court, Chengalpattu and transfer the same to the file of the Sub-ordinate Court, Ponnammallee.

For Petitioner : Mr.P.K.Sabapathi

For Respondent : Mr.A.Prabakharan

O R D E R

The petitioner has come up with this Transfer Civil Miscellaneous Petition with a grievance that it would not be possible for her to defend the proceedings in F.C.O.P.No. 301 of 2015 on the file of Family Court, Chengalpattu.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The respondent initiated proceedings in F.C.O.P.No. 301 of 2015 for divorce before the Family Court at Chengalpattu.

4. According to the petitioner, she is a permanent resident of Karyanchavadi, Chennai. She has to look after her child, aged about 4 years. The petitioner therefore finds it difficult to appear before the Court at Chengalpattu.

5. The respondent in his counter affidavit contended that the Family Court, Chengalpattu was instituted very recently and as such the matter could be disposed of as expeditiously as possible.

6. The factual matrix indicates that the proceedings in F.C.O.P.No. 301 of 2015 is pending before the Court at Chengalpattu. In view of the distance factor, it would not be possible to the petitioner to appear before the Court on all the hearing dates. In case, the matter is transferred to the Sub-ordinate Court at Poonamallee, it would enable the respondent to seek exemption from appearance on normal days on condition of appearing before the Court on the effective dates of hearing.

7. The petitioner by producing materials demonstrated her difficulties to appear before the Court at Chengalpattu. I am therefore of the view that the proceedings deserve to be transferred to the Sub-ordinate Court, Poonamallee.

8. In the result, the proceedings in F.C.O.P.No. 301 of 2015 is withdrawn from the file of Family Court, Chengalpattu and is transferred to the file of Sub-ordinate Court, Poonamallee, for disposal on merits.

9. The learned trial Judge is requested to dispose of the matter as expeditiously as possible.

10. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The Family Court, Chengalpattu.

2. The Sub-ordinate Court, Poonamallee.

1 cc to M/s.A.Prabhakaran, Advocate, sr.54103

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sk co
kra 18.10.2016