

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.211 of 2016

And

C.M.P.No.6005 of 2016

S.Kavitha ... Petitioner/Respondent

Versus

M.Kandasamy @ Rajavel ... Respondent/Petitioner

This Petition filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No. 11 of 2013 on the file of Sub Court, Rasipuram and transfer the same to the file of the Family Court, Salem.

For Petitioner : Mr.RM.Venkatesh

For Respondent : No appearance

O R D E R

The petitioner has come up with this Transfer Civil Miscellaneous Petition with a prayer to transfer the pending proceedings in H.M.O.P.No. 11 of 2013 from the file of Sub Court, Rasipuram to the file of Family Court, Salem.

2. Heard the learned counsel for the petitioner. None appears on behalf of the respondent, in spite of printing his name in the cause list after service.

3. The respondent initiated the proceedings in H.M.O.P.No. 11 of 2013 before the Sub Court, Rasipuram against the petitioner praying for a decree of a divorce. The petitioner on the other hand instituted the proceedings in M.C.No. 30 of 2013 before the family Court, Salem. Both the proceedings are pending before the respective Courts.

4. According to the petitioner, she is a permanent resident of Salem. Since the distance between Salem and Rasipuram is considerable, it would not be possible for her to defend the proceedings in H.M.O.P.No. 11 of 2013 effectively.

There is nothing on record to suspect the bona fides in filing the transfer petition.

5. In the result, the proceedings in H.M.O.P.No. 11 of 2013 is withdrawn from the file of Sub Court, Rasipuram and is transferred to the file of Family Court, Salem, for disposal on merits along with M.C.No. 30 of 2013.

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

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

vsg

To

1. The Sub Court, Rasipuram.
2. The Family Court, Salem.

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And
C.M.P.No.6005 of 2016

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kra 19.10.2016

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