

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.242 of 2016

and C.M.P.No.6577 of 2016

S.Vidhyalakshmi ... Petitioner

Vs.

B.Senthil Kumar ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the proceedings pending before the Sub-Court, Thiruvarur in H.M.O.P.No.69 of 2015 and transfer the same to the Family Court, Chennai.

For petitioner : Mr.J.Antony Jesus
For respondent : No appearance

ORDER

The petitioner has filed this Tr.C.M.P. to withdraw the proceedings pending before the Sub-Court, Thiruvarur in H.M.O.P.No.69 of 2015 and transfer the same to the Family Court, Chennai.

2. It is the case of the petitioner-wife that owing to harassment at the hands of the respondent-husband, earlier, she filed a complaint before the All Women Police Station, Thiruvaur, in which, enquiry was conducted, based upon which, the respondent-husband agreed to live together. Thereafter, the respondent-husband filed H.M.O.P.No.69 of 2015 before the Sub-Court, Thiruvarur, for restitution of conjugal rights. It is further stated that the petitioner is now residing in her parents' house. It is her grievance that it is impossible for her to attend the hearing of the case in Thiruvarur and that she is unable to spend for travel from Chennai to Thiruvarur. It is further stated by the petitioner that she is unable to leave her son in Chennai, whenever she has to appear for hearing of the case before the Sub-Court at Thiruvarur. Hence, she prays for transferring the said H.M.O.P. to the Family Court, Chennai.

3. Though the respondent had been served with notice and his name having been printed in the cause list, there is no representation for the respondent, either in person or through counsel.

4. Taking into consideration the facts and circumstances of the case and the grievances of the petitioner, this Court finds that the petitioner is entitled for transfer of the case from Thiruvavarur to Chennai. Accordingly, this Tr.C.M.P. is allowed and H.M.O.P.No.69 of 2015 pending on the file of the Sub-Court, Thiruvavarur, shall stand transferred to the file of the Principal Judge, Family Court, Chennai. No costs. Consequently, C.M.P. is closed.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

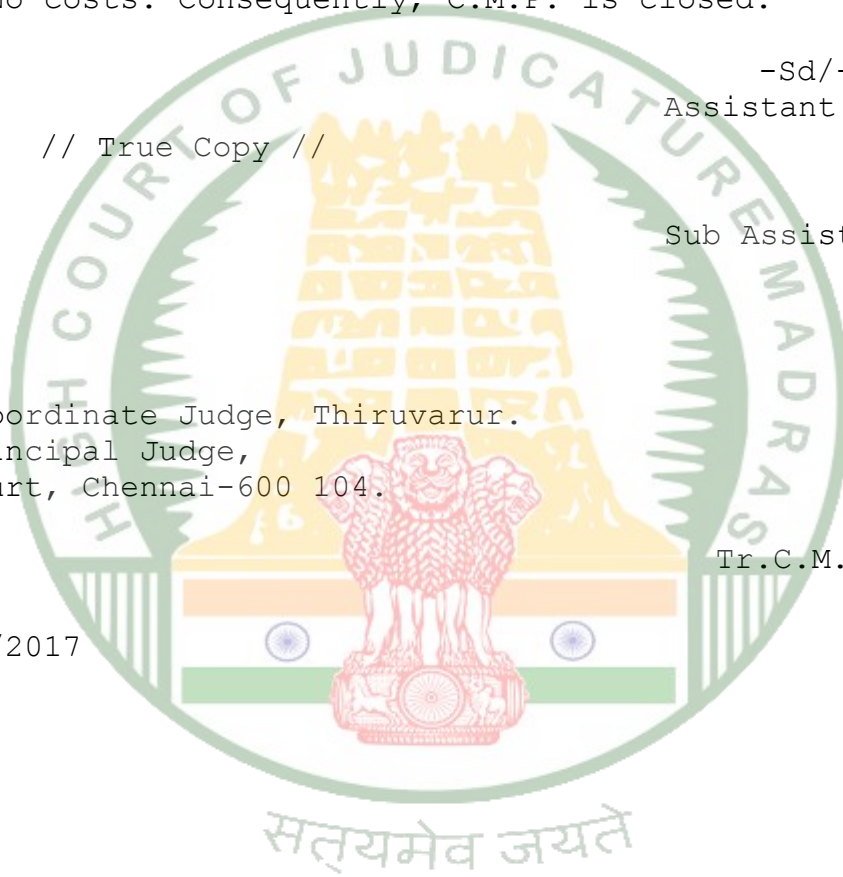
Copy to

1. The Subordinate Judge, Thiruvavarur.
2. The Principal Judge,
Family Court, Chennai-600 104.

Tr.C.M.P.No.242 of 2016

CO/AM

RRI 04/01/2017



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