

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition Nos. 256 & 455 of 2016
and
C.M.P.Nos. 6948 & 12351 of 2016

M.S.Yuvaraj
N.Archana

... Petitioner in Tr.CMP.No.256 of 2016
... Petitioner in Tr.CMP.No.455 of 2016

vs

N.Archana
M.S.Yuvaraj

... Respondent in Tr.CMP.No.256 of 2016
... Respondent in Tr.CMP.No.455 of 2016

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying (i) to withdraw H.M.O.P.No.130 of 2015 on the file of the Principal Sub Court, Mannargudi and transfer the same to the file of the Principal Family Court, Chennai(Tr.CMP.No.256 of 2016).

(ii) to withdraw HMOP No.4678 of 2013 on the file of the I Additional Family Court, Chennai to the file of the Principal Sub-Court at Mannargudi(Tr.CMP.No.455 of 2016).

For Petitioner (Tr.CMP.No.256 of 2016) : Mr.P.Ananda Kumar
For Petitioner (Tr.CMP.No.455 of 2016) : Mr.P.Sesubalan Raja
For Respondent(Tr.CMP.No.256 of 2016) : Mr.P.Sesubalan Raja
For Respondent(Tr.CMP.No.455 of 2016) : Mr.P.Ananda Kumar

COMMON ORDER

Petitioner/ husband has filed the petition in Tr CMP No.256 of 2016 seeking to withdraw H.M.O.P.No.130 of 2015 on the file of the Principal Sub Court, Mannargudi and transfer the same to the file of the Principal Family Court, Chennai.

2. Petitioner/wife has filed the petition in Tr CMP No.455 of 2016 seeking to withdraw HMOP No.4678 of 2013 on the file of the I Additional Family Court, Chennai and transfer the same to the file of the Principal Sub-Court at Mannargudi.

3. Amidst other reasons, in the affidavits filed in support of transfer petitions, it has been informed that earlier petition in Tr C.M.P.No.5 of 2015 seeking transfer of HMOP

No.4678 of 2013 on the file of the I Additional Family Court, Chennai was withdrawn on 16.12.2015, by the wife, since the Court was not inclined to allow the same.

4. Learned counsel appearing for petitioner/wife seeks to impress upon this Court that there is a change of circumstance.

5. It is too easy to inform change of circumstance but doing so, in the instant case, would amount to going beyond the earlier decision against the transfer of the case. Accordingly, the petition in Tr. CMP No.455 of 2016 shall stand dismissed.

6. Taking note of the position that the husband/petitioner in Tr.CMP.No.256 of 2016 has been attending proceedings at Mannargudi, in other matters between the parties, this Court is not inclined to allow the Transfer of proceedings in HMOP No.130 of 2015 from the file of the in Principal Subordinate Court, Mannargudi to the file of the Family Court, Chennai. Accordingly, the petition in Tr. CMP No.256 of 2016 shall stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1.The Principal Subordinate Court,
Mannargudi.

2.The I Additional Family Court,
Chennai.

+2 ccs to Mr.P.Sesubalan Raja Advocate sr 48800 & 48801

Transfer Civil Miscellaneous Petition Nos.

256 & 455 of 2016

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