

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

TR CMP NO.283 OF 2016

AND CMP NO.7739 OF 2016

S.Mala Petitioner/Respondent

Versus

Soundararajan Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Civil Procedure Code with a prayer to withdraw the F.C.O.P.No.289 of 2015 on the file of the Family Court, Chengalpattu and transfer the same to the Subordinate Court, Poonamallee.

For Petitioner : Mr.Lourds Thomas Sathish
For Respondent : Mr.D.Ashok Kumar

O R D E R

The respondent initiated proceedings in F.C.O.P.No.289 of 2015, before the Family Court, Chengalpattu, praying for a decree of divorce.

2. The petitioner, who is a resident of Mogappair, Chennai, has come up with this petition for transfer.

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

4. The matrimonial proceedings was initiated by the respondent for divorce. The matter is now pending before the Family Court at Chengalpattu. According to the petitioner, being a resident of Mogappair, Chennai, it would not be possible for her to attend the Family Court at Chengalpattu regularly. Moreover, being a Family Court, the personal presence of the parties is compulsory.

5. The learned counsel for the respondent submitted that in case the matter is transferred to Chennai, both the

parties would be in a position to conduct the proceedings.

6. The respondent is a resident of Chengalpattu. The petitioner is a resident of Mogappair, Chennai. In view of the distance factor, taking into consideration the residence of the petitioner and the respondent, I deem it fit and proper to transfer the proceedings to the file of Subordinate Court at Poonamallee.

7. In the result, the proceedings in F.C.O.P.No.289 of 2015 is withdrawn from the file of Family Court, Chengalpatu and is transferred to the file of Subordinate Court at Poonamallee.

8. The learned counsel for the respondent submitted that the respondent is working at Chengalpattu, and as such, it would not be possible for him to appear before the Court at Poonamallee regularly.

9. The respondent is given liberty to file appropriate application before the Trial Court, to dispense with his personal appearance, on the normal dates of hearing, subject to the condition that he would appear on all the effective dates of hearing. In case, any such application is filed, the same shall be considered and disposed of by the learned Trial Judge, taking into account the employment of the petitioner at Chengalpattu.

10. The Transfer Civil Miscellaneous Petition is allowed with the above observation. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

1. The Judge Family Court
Chengalpattu.

2. The Subordinate Court
Poonamallee.

+1cc to Mr.P. Munusamy, Advocate, S.R.No.66403

nrjk(CO)

md(23/12/2016)

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