

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition Nos.362 and 363 of 2016
and
C.M.P.No.9699 of 2016

R.Thamizharasi @ Dr.Arasi
D/o.R.Ramachandran ... Petitioner in both Petitions

Vs

M.Karthick
S/o.Manohar ... Respondent in both Petitions

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw F.C.O.P.Nos.159 and 257 of 2015 respectively on the file of Family Court, Chengalpattu and transfer the same to the file of Subordinate Judge, Tambaram.

For Petitioner : Mr.P.Kumanan
(in both petitions)

For Respondent : Mr.S.Vijayakumar
(in both petitions)

C O M M O N O R D E R

Petitioner has filed the present petitions seeking transfer of F.C.O.P.Nos.159 and 257 of 2015 on the file of Family Court, Chengalpattu to the file of Subordinate Judge, Tambaram.

2. Learned counsel for petitioner submits that the petitioner/wife has to take care of her aged parents as also her two year old child. Further, on 22.06.2015, the respondent/husband along with family members came to her parents' house at Chrompet, abused her both physically and verbally demanding consent for divorce resulting in the petitioner taking treatment at Government Hospital, Tambaram. Learned counsel submits that as she resides at Chrompet and the respondent/husband at Kuduvaichery, no prejudice would be caused

if transfer, as prayed for, is directed. Learned counsel further submits that petitioner seeks transfer of case to the file of Subordinate Judge, Tambaram, where the presence of parties for every hearing would not be insisted upon.

3. Learned counsel for respondent, on the other hand, submits that the petitions stand moved at a very belated stage. After the alleged incident on 22.06.2015, the petitioner/wife has appeared before the Court below on several occasions and further she herself had moved a petition in C.C.No.12 of 2014 on the file of Additional Mahila Magistrate, Chengalpattu, complaining of acts of domestic violence. Learned counsel submit that the present petitions merely are intended to protract proceedings.

4. Considering the rival submissions, this Court is of the view that it would be appropriate to transfer the proceedings with a direction for early disposal of the cases. Accordingly, the cases in F.C.O.P.Nos.159 and 257 of 2015 on the file of Family Court, Chengalpattu, are transferred to the file of Subordinate Judge, Tambaram. Learned Subordinate Judge, Tambaram, is directed to dispose of the cases as expeditiously as possible, in any event, not later than two months from the date of receipt of this order.

The Civil Revision Petitions are disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Family Court,
Chengalpattu.
2. The Subordinate Judge,
Tambaram.

+1cc to Mr.P.Kumanan, Advocate, S.R.No.34214

Transfer Civil Miscellaneous Petition
Nos.362 and 363 of 2016

RP(CO)
CA(27/06/2016)