

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Tr.C.M.P.No.367 of 2016

&

C.M.P.No.9851 of 2016

Mrs.S.R.Vidhya

... Petitioner

Vs.

R.Ramkumar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the HMOP.No.309 of 2015 pending before Sub Court, Pudukottai to Family Court, Chennai.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.K.Goviganesan

ORDER

The respondent filed a divorce petition in H.M.O.P.No.309 of 2015 before the Sub Court at Pudukottai. The petitioner, on the other hand, filed a maintenance case in M.C.No.6 of 2016 before the Judicial Magistrate II, Tambaram. The present miscellaneous petition is filed to withdraw the proceedings in H.M.O.P.No.309 of 2015 from the file of Sub Court, Pudukottai and transfer the same to the Family Court, Chennai for disposal on merits.

2. Heard the learned appearing for the petitioner and the learned counsel appearing for the respondents.

3. The petitioner is presently residing at Chennai. The respondent is a resident of Pudukottai. Their marriage was solemnized at Chennai. The respondent filed a petition for divorce on the ground of insanity. The petitioner, on the other hand, filed a maintenance case against the respondent and the

same is pending before the learned Judicial Magistrate II, Tambaram.

4. The learned counsel appearing for the respondent fairly submitted that the respondent has no objection for transferring the matrimonial proceedings provided the maintenance case is also transferred to the file of Family Court, Chennai for adjudication and disposal on merits.

5. In view of the back ground facts and circumstances and in the interest of parties, the proceedings in H.M.O.P.No.309 of 2015 is withdrawn from the file of Sub Court, Pudukottai and it is transferred to the Family Court, Chennai. Similarly, the proceedings in M.C.No.6 of 2016 pending on the file of the Judicial Magistrate II, Tambaram is withdrawn and transferred to the Family Court, Chennai for disposal on merits.

6. The learned counsel appearing for the respondent would submit the the respondent is presently working at Bangalore and it would not be possible for him to appear on all the dates of hearing before the Family Court, Chennai. The learned counsel, seeks liberty to file appropriate application before the Family Court, Chennai to dispense with the presence of respondent on normal days subject to the conditions of appearance on the effective dates of hearing. The respondent is permitted to make such an application before the Family Court, Chennai.

7. The learned Judge, Family Court, Chennai is requested to consider the application and pass appropriate orders taken into account the employment of the respondent at Bangalore.

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

Sd/-
सत्यमेव जयते

Assistant Registrar(CCC)

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Sub Assistant Registrar

vsm

To

1. The Subordinate Judge,
Sub Court, Pudukottai.

2. The Judicial Magistrate II,
Judicial Magistrate Court,
Tambaram.

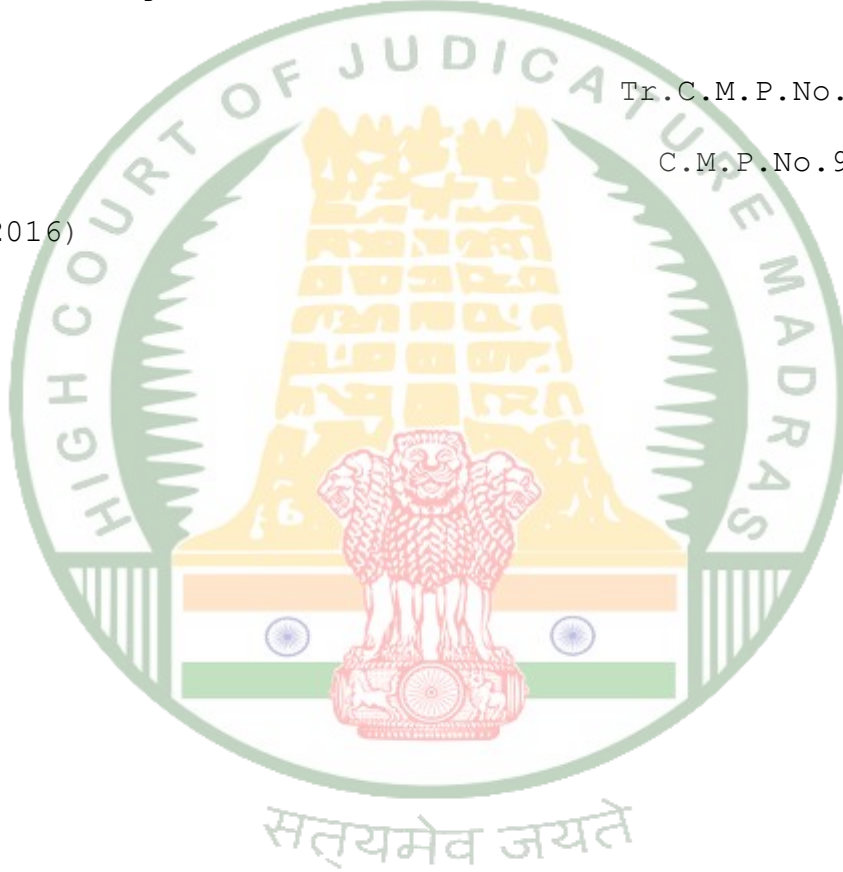
3. The Judge,
Family Court,
Chennai.

+1cc to Mr.K.Sathish Kumar, Advocate, S.R.No.50777

+1cc to Mr.K.Goviganesan, Advocate, S.R.No.50877

Tr.C.M.P.No.367 of 2016
and
C.M.P.No.9851 of 2016

GJ(CO)
CA(06/10/2016)



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