

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.12.2016

Coram

The Honourable MRS.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.411 and 416 of 2016
and C.M.P.Nos.10940 and 11018 of 2016

K.Lavanya ... Petitioner in both the
petitions
vs.

M.Krishnaraj ... Respondent in both the
petitions

Transfer Civil Miscellaneous Petitions filed under Section 24 of the Code of Civil Procedure praying to withdraw the GWOP No.4050 of 2013 and HMOP No.3615 of 2011 pending on the file of the III Additional Family Court, Chennai to the Family Court at Salem.

For Petitioner : Mr.S.Sukumar
in both cases
For Respondent : Mr.R.Rangarajan
in both cases

COMMON ORDER

The wife is the petitioner in both the petitions. She has filed the above petitions seeking to withdraw the GWOP No.4050 of 2013 and HMOP No.3615 of 2011 pending on the file of the III Additional Family Court, Chennai to the Family Court at Salem.

2. The petitioner/wife had filed HMOP No.3615 of 2011 on the file of the learned III Additional Family Court, Chennai seeking divorce under Section 13(1)(i)(a) of the Hindu Marriage Act. The husband, viz., the respondent herein has filed GWOP No.4050 of 2013 also before the III Additional Family Court, Chennai under Sections 7, 10 and 25 of the Guardian and Wards Act of 1890 r/w Section 7 of the Family Court Act.

3. It is stated by the petitioner/wife that she has recently shifted her residence to Salem and also taken her children along with her and that it will be difficult for her to travel from Salem to Chennai for each and every hearing. However, the respondent/husband contended that in the HMOP

No.3615 of 2011 filed by the wife, the trial has commenced and it is posted for the cross examination of the husband. At this juncture, the present transfer petitions have been filed only to drag on the proceedings.

4. Heard both sides and perused the records.

5. It is seen that it is the petitioner/wife who had filed the divorce petition before the Family Court at Chennai and merely because, she has shifted her place of residence to Salem to join the Ashram there, she is not entitled to get both the petitions transferred to the Family Court at Salem, to suit her convenience and that too, when the trial is in progress in the divorce petition filed by her.

6. The respondent/husband also in his counter affidavit has stated that he is ready to meet the expenses of the petitioner/wife regarding her visit, stay and other expenses for conducting the trial in Chennai. The respondent/husband had further stated that only to avoid the trial being completed, the above petitions have been filed to vex him.

7. In such circumstances, I do not find any merit in the above petitions seeking transfer. Accordingly, both the petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2

To

The III Additional Family Court, Chennai

+2cc to Mr.R. Rangarajan, Advocate, S.R.No.73934 & 73935
+2cc to Mr.S. Sukumar, Advocate, S.R.No.74357 & 74358

lrs (CO)
md(19/01/2017)

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