

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Transfer Civil Miscellaneous Petition No.414 of 2016
and
C.M.P.No.11007 of 2016

Mrs.M.Sarala ... Petitioner
vs

Mr.M.Viswanathan ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw the case in H.M.O.P.No.372 of 2015 filed by the respondent pending on the file of the Sub Court, Poonamallee and transfer the same to the file of learned II Additional Family Court, Chennai to be tried along with F.C.O.P.No.1833 of 2015 and M.C.No.151 of 2016.

For Petitioner : Mr.R.S.Vaideeswaran

For Respondent : Mr.A.Lakshmiraj Rathnam

O R D E R

Petitioner has filed the present petition seeking transfer of H.M.O.P.No.372 of 2015 on the file of the Sub Judge, Poonamallee to be tried along with F.C.O.P.No.1833 of 2015 and M.C.No.151 of 2016 on the file of learned II Additional Family Court, Chennai.

2. Learned counsel for petitioner submits that a petition seeking restitution of conjugal rights and a petition for maintenance filed by the petitioner/wife is pending on the file of learned II Additional Judge, Family Court, Chennai. As the petitioner has to take care of her aged parents and her child aged 5 years, she finds it difficult to travel to Poonamallee to attend the case in H.M.O.P.No.372 of 2015 filed by the respondent/husband. Hence, the petitioner prays for transfer of H.M.O.P.No.372 of 2015 pending on the file of learned Sub Judge, Poonamallee to the file of learned II Additional Judge, Family Court, Chennai.

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

4. Learned counsel for respondent has no serious objection.

5. Considering the submissions made on either side, this Court directs transfer of H.M.O.P.No.372 of 2015 pending on the file of learned Sub Judge, Poonamallee to the file of learned II Additional Judge, Family Court, Chennai.

6. The Transfer Civil Miscellaneous Petition, accordingly, is ordered. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Sub Judge,
Poonamallee.

2.The II Additional Judge,
Family Court, Chennai.

+2cc to Mr.R.S.Vaideeswaran, Advocate Sr.47118

Transfer Civil Miscellaneous Petition No.414 of 2016

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srg 07/10/2016