

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Transfer CMP.No.5 of 2016
and CMP.No.100 of 2016

S.Aruna .. Petitioner
Vs.

V.Anand .. Respondent

Prayer: Transfer Petition filed under Section 24 of Civil Procedure Code, praying to withdraw the HMOP.No.1764 of 2010 on the file of I Additional Family Judge, Chennai and transfer the same to the Court of Sub-ordinate Judge, Chidambaram or to the Family Court, Puducherry and to be tried along with M.C.No.130 of 2010 on the file of I Additional Family Judge, Chennai.

For Petitioner : Mr.A.Muthukumar

For Respondent : Mr.R.Esakki Raja

ORDER

The petitioner filed this transfer petition to withdraw the proceedings in H.M.O.P.No.1764 of 2010 from the file of I Additional Family Court, Chennai and transfer the same to the Sub Court, Chidambaram or the Family Court, Puducherry.

2. The learned counsel for the petitioner submitted that after filing this transfer petition, the petitioner was transferred to Chidambaram, where she is working as Liason Officer, Annamalai University. According to the learned counsel, it would not be possible for the petitioner to come over to Chennai for the purpose of defending the proceedings in HMOP No.1764 of 2010 pending before the I Additional Family Court, Chennai.

3. The learned counsel for the respondent on the other hand, opposed this transfer on the ground that it is only to harass the respondent, the petitioner has come up with this transfer petition. According to the learned counsel, in case the matter is transferred to the Family Court, the respondent has to

appear on all the hearing dates and the same would cause hardship to him as he is residing at Bangalore.

4. There is no dispute that the respondent preferred the proceedings in HMOP No.1764 of 2010 before the I Additional Family Court, Chennai. The petitioner was a resident of Chennai as on the date on which, the divorce proceedings was initiated by the respondent. The petitioner filed M.C.No.130 of 2010 before the I Additional Family Court, Chennai, claiming maintenance. The said proceedings is also pending before the Family Court, Chennai.

5. The petitioner has now produced documents to substantiate her contention that she is presently residing at Chidambaram. However, she wanted to transfer the matter to a Court at Pondicherry.

6. The respondent is admittedly a resident of Bangalore. In case, the matter is transferred to a Family Court at Pondicherry, the respondent has to appear before the said Court on all the hearing dates. I am therefore of the view that interest of justice would be served, in case the matter is transferred to a Court at Cuddalore.

7. In the result, the proceedings in HMOP No.1764 of 2010 is withdrawn from the file of I Additional Family Court, Chennai and is transferred to the file of Principal Sub-Court at Cuddalore for disposal on merits. The learned Principal Subordinate Judge, Cuddalore is requested to dispose of the matter as expeditiously as possible and in any case, within a period of six months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

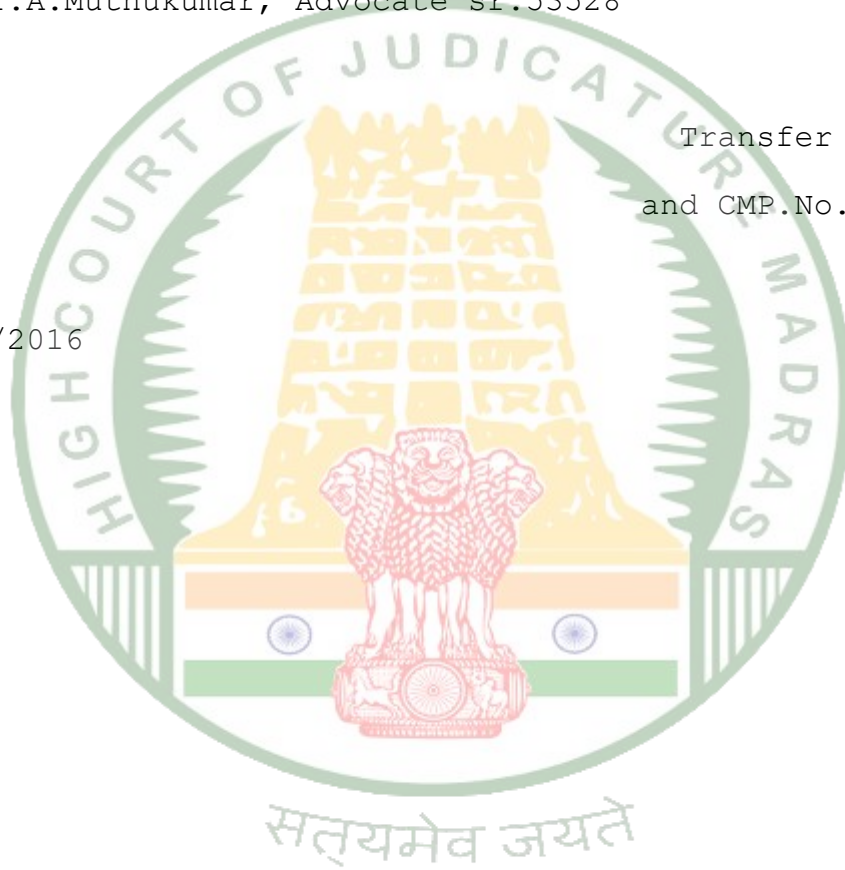
To

1. The Judge,
I Additional Family Court,
Chennai.
2. The Sub-ordinate Judge,
Cuddalore.

+lcc to M/S.K.Bhawatharini, Advocate Sr.53559
+lcc to Mr.A.Muthukumar, Advocate sr.53528

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srg 17/10/2016



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