

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2016

CORAM

THE HON'BLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.617 OF 2016
and
C.M.P.No.16665 of 2016

S.Nithya

... Petitioner

Vs.

G.Sathiswara Saravanan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the FCOP No.208 of 2016 pending on the file of the Family Court, Vellore and to transfer the same to the Sub Court, Tambaram to be tried along with HMOP No.624 of 2016, pending on the file of the Sub Court, Tambaram.

For petitioner : Ms.V.Umashankari

For respondent : Mr.P.Jagadeesan

O R D E R

The present transfer petition has been filed by the petitioner / wife against the respondent / husband for transfer of FCOP No.208 of 2016 pending on the file of the Family Court, Vellore to the Sub Court, at Tambaram to be tried along with HMOP No.624 of 2016, pending on the file of the Sub Court, Tambaram.

2. Admittedly, the petitioner / wife has filed HMOP No.624 of 2016 on the file of the Sub Court, Tambaram, whereas the respondent/husband has filed FCOP NO.208 of 2016 before the Family Court at Vellore and both of them have filed the above petitions seeking annulment of marriage under Section 12 of the Hindu Marriage Act, 1955.

3. In para No.3 of the affidavit in support of the petition for transfer, it is stated that the respondent/husband is working in Chennai and also staying at Chennai. The said fact was also admitted by the respondent/husband. It is also stated

that the petitioner/wife is also residing at Chennai and that it will be difficult for her to go to Family Court, Vellore for each and every hearing. Hence the present petition seeking transfer.

4. Though both parties have filed the petitions under Section 12 of the Act, they are not agreeable for any kind of mediation and the respondent/husband also apprehends danger at the hands of the petitioner's family. Therefore, in the interest of justice, both the petitions, viz., HMOP No.624 of 2016 filed by the petitioner/wife before the Sub Court, Tambaram and the FCOP No.208 of 2016 filed by the the respondent/husband before the Sub Court, Tambaram are withdrawn and are ordered to be transferred to the I Additional Family Court at Chennai, to be tried jointly. Both the Courts below are directed to transmit all the papers pertaining to the above petitions immediately to the Family Court at Chennai, after receipt of a copy of this order.

5. The transfer petition is ordered accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2
To

1. The Subordinate Judge, Tambaram
2. The Judge, Family Court, Vellore
3. The I Additional Judge, Family Court, Chennai.

+1cc to Mr.Jagadeesan, Advocate, S.R.No.74173
+2cc to Mr.Umashankari, Advocate, S.R.No.74021

SS(CO)
RS(19/01/2017)

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