

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.652 OF 2016
and
C.M.P.No.17291 of 2016

Dr.S.Ponmani

... Petitioner

Vs.

Dr.S.Surendranath

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure praying to withdraw the HMOP No.70 of 2016 pending on the file of the Principal Sub Court, Tiruvannamalai and to transfer the same to the file of the Sub Court, Periyakulam, Theni District.

For petitioner : Mr.G.Dayalaseelan

For respondent : Mr.N.Jayabalan

ORDER

The present transfer petition has been filed by the petitioner / wife against the respondent / husband for transfer of HMOP No.70 of 2016 pending on the file of the Principal Sub Court, Tiruvannamalai to the file of the Sub Court, Periyakulam in Theni District.

2. Admittedly, the respondent/husband has filed HMOP No.70 of 2016 before the Principal Sub Court at Tiruvannamalai against the petitioner/wife under Section 13(1)(i)(a) of the Hindu Marriage Act, 1955 seeking dissolution of the marriage.

3. Though the petitioner/wife had expressed some difficulty in attending the hearings before the Principal Sub Court at Tiruvannamalai and sought transfer to the Sub Court at Periyakulam, on a perusal of the typed set of papers, counter affidavit filed on behalf of the respondent/husband and the rejoinder filed by the petitioner/wife, it is seen that admittedly, the petitioner/wife, as of now, is employed in Chennai, though it is contended that she is in a temporary job. Whereas, the respondent/husband is working in Bangalore and that he expressed certain apprehension in going to Periyakulam.

However, he has got no objection for transferring the matrimonial proceedings filed by him before the Principal Sub Court at Tiruvannamalai or to any of the Family Courts at Chennai.

4. As stated earlier, the petitioner/wife is also residing in Chennai though she is stated to be in a temporary job, if the case is transferred to any of the Family Courts in Chennai, it will suit the petitioner also.

5. Considering the facts and circumstances of the case and in the interest of justice, HMOP No.70 of 2016 filed by the respondent/husband before the Principal Sub Court at Tiruvannamalai is withdrawn and is ordered to be transferred to the II Additional Family Court at Chennai. The Court below is directed to transmit all the papers pertaining to the above petition immediately to the said Court, after receipt of a copy of this order.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

vj2

To

1. The Principal Subordinate Judge, Tiruvannamalai
2. The II Additional Family Judge,
Family Court, Chennai.

+1cc to Mr.R.G.Dayalaseelan, Advocate sr.74353

+7cc to Mr.N.Jayabalan, Advocate sr.74133

Tr.C.M.P.No.652 of 2016

nm(co)
ss(18/01/2017)