



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

Tr.C.M.P(MD)No.306 of 2015

Kalyani

... Petitioner/Respondent

Vs.

Kulandaivelan @ Kumar

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 r/w 151 of Civil Procedure Code to withdraw the case in FCOP No.2926 of 2015 on the file of the III Family Court, Chennai and transfer the same to the Sub Court, Pudukkottai to try along with the case in HMOP No.58 of 2015.

For Petitioner

: Mr.D.Rameshkumar

For Respondent

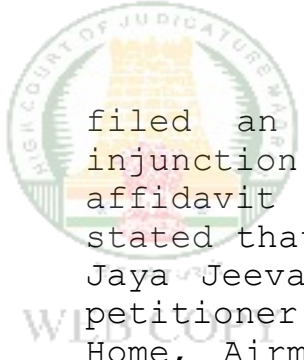
: Mr.A.Sivasubramanian

ORDER

The present petition seeking transfer is filed under Section 24 of C.P.C. to withdraw the case in FCOP No.2926 of 2015 on the file of the III Family Court, Chennai and transfer the same to the Sub Court, Pudukkottai to try along with the case in HMOP No.58 of 2015.

2.The marriage between the petitioner and the respondent was solemnized on 05.06.2011 as per Hindu Rites and customs. Out of the wedlock, a male baby was born on 07.03.2012. The contention of the petitioner is that due to physical and mental torture caused by the respondent and her in-laws, she was forced to relieve the matrimonial home and now residing at Selaiyur, Chennai. The petitioner states that she filed H.M.O.P.No.58 of 2015 for divorce before the Sub Court, Pudukkottai and the respondent/husband filed F.C.O.P.No.2926 of 2015 before the III-Family Court, Chennai. Therefore, the present petition is filed by the petitioner seeking transfer of F.C.O.P.No.2926 of 2015 to the Sub Court, Pudukkottai.

3.The learned counsel for the respondent filed a counter affidavit stating that the petitioner is working as Manager in Canara Bank, Habibullah Road Branch, T.Nagar, Chennai- 600 017 and <https://hservices.ecourts.gov.in/hservices/> ~~Shri Ramanath~~ is studying Lil School Home, Airmen's Enclave Campus, Selaiyur, Chennai- 600 073. The petitioner has



filed an application in O.P.No.123 of 2016 seeking interim injunction against the respondent wherein he has sworn an affidavit and filed before this Court, wherein the petitioner has stated that she is residing at Flat No.5, Plot No.25, Divya Flats, Jaya Jeevan Ram Nagar, Selaiyur, Chennai- 600 073. Further, the petitioner has stated that the minor son is studying in Lil School Home, Airmen's Enclave Campus, Selaiyur, Chennai- 600 073. Such being the factual position, the present transfer application is filed by the petitioner in order to harass the respondent and no meaningful purpose will be served by transferring the petition from the III Additional Family Court, Chennai to Sub Court, Pudukkottai.

4.The learned counsel appearing for the petitioner is unable to dispute the fact that both the petitioner and the respondent are residing at Chennai and therefore, the present transfer petition is devoid of merits and is to be dismissed.

5.Considering the facts and circumstances of the case, the contention set out by the petitioner in the petition deserves no consideration and accordingly, the Transfer Civil Miscellaneous Petition is dismissed. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

am
To

1.The III Judge, Family Court,
Chennai.

2.The Subordinate Judge, Pudukkottai.

+1CC to Mr.A.Sivasubramanian, Advocate Sr.No.65946

GJM/GSV/PM/15.11.16-2p-4C

Tr.C.M.P (MD) No.306 of 2015
04.11.2016