



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2016

CORAM:

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P(MD)No.455 of 2015

and M.P(MD)No.1 of 2015

Chitra

... Petitioner

Vs.

Suresh

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 C.P.C. to withdraw and transfer the H.M.O.P.No.2944 of 2015 on the file of the Family Court, Chennai to the file of the II Additional Sub Judge, Madurai Camp Sub Court, Thirumangalam and try along with H.M.O.P.No.392 of 2015.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondent : Mr.R.Shankar Ganesh

O R D E R

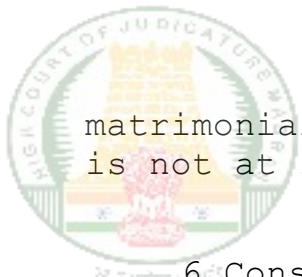
The Transfer Civil Miscellaneous Petition is filed to withdraw and transfer the case in H.M.O.P.No.2944 of 2015 on the file of the Family Court, Chennai to the file of the II Additional Sub Judge, Madurai Camp Sub Court, Thirumangalam and try along with H.M.O.P.No.392 of 2015.

2.The marriage between the petitioner and the respondent was solemnized on 12.09.2010 and due to strained relationship between them, they are living separately.

3.The contention of the petitioner is that the respondent filed H.M.O.P.No.2944 of 2015 for divorce before the Family Court, Chennai in order to harass the petitioner.

4.The petitioner contended that after leaving the matrimonial home, she is now living with her aged parents and unemployed. Therefore, she is not having any income of her own and depending on her parents for each and everything. Hence, she will not be in a position to defend the case filed by the respondent.

5.The learned counsel for the respondent opposed the petition by stating that the allegations set out by the petitioner are false and cannot be accepted. Further, the petitioner left the



matrimonial home at her own instance and therefore, the respondent is not at fault. Hence, the petition is to be dismissed.

6. Considering the facts and circumstances of the case, the petition is allowed and H.M.O.P.No.2944 of 2015 pending before the Family Court, Chennai is ordered to be transferred to the II Additional Subordinate, Madurai Camp at Thirumangalam forthwith. Consequently, connected M.P.is closed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Family Court,
Chennai.

2.The II Additional Sub Judge,
Madurai Camp Sub Court,
Thirumangalam.

+1cc to Mr.P.Ganapathi Subramanian, Advocate Sr.No. 64140

+1cc to Mr.R.Shankar Ganesh, Advocate Sr.No. **64568**

JAM/30.11.16/CK/2p-5c

Tr.C.M.P(MD)No.455 of 2015
25.10.2016