



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

Tr.C.M.P(MD)No.472 of 2016 and
CMP(MD).No.9617 of 2016

R. Prabhu

... Petitioner

Vs.

M. Saranya

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the HMOP.No.3494 of 2016 on the file of the Family Court No.I, Chennai and transfer the same to the Family Court, Madurai.

For Petitioner

: Mr. N. Balakrishnan

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the HMOP.No.3494 of 2016 on the file of the Family Court No.I, Chennai and transfer the same to the Family Court, Madurai.

2. The facts in nutshell, as pleaded by the counsel for the petitioner, is that the marriage between the petitioner and the respondent was solemnized on 06.09.2009, as per Hindu Rites and Customs and now, the parties are living separately. The petitioner had already filed HMOP.No.641 of 2016, which is pending before the Family Court, Madurai, seeking for divorce. The respondent has filed HMOP.No.3494 of 2016, seeking restitution of conjugal rights, which is pending before Family Court No.I, Chennai. The only reason stated by the petitioner is that he is living with his aged parents at Madurai and he has to look after them. Further, the petitioner states that he is running a pet shop and unable to travel from Madurai to Chennai. Beyond this, no other reason has been stated by the petitioner in his petition for transfer of the case from Madurai to Chennai.

3. Considering the arguments of the learned counsel for the petitioner, this Court is of the opinion that the reason stated by the petitioner is not sufficient to transfer the case. Further, this Court feels that the petitioner has filed this petition with an intention to harass the respondent / wife one way or other. This Court cannot encourage such attitude of the petitioner in filing a petition with an intention to protract the issue and harass the



opposite party. Therefore, the petition is devoid of merits and the same is liable to be dismissed and accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(T&P

WEB COPY

/True Copy/

Sub Assistant Registrar.

To

1. The Family Court, Madurai.
2. The Family Court No.I, Chennai

Tr.C.M.P(MD)No.472 of 2016 and
CMP(MD) .No.9617 of 2016
17.10.2016

trp

AM/GSV.PM/26.10.2016/2P/3C