

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.1070 of 2017

and

C.M.P.No.22157 of 2017

V.Gayathri

.. Petitioner

-Vs-

J.Muralidharan

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer F.C.O.P.No.551 of 2009 on the file of the IV Additional Family Court, Chennai to any other Family Court in Chennai.

For petitioner ... Mr.B.Manoharan

O R D E R

The wife in a matrimonial dispute has filed the above transfer civil miscellaneous petition seeking to withdraw the F.C.O.P.No.551 of 2009 pending on the file of the IV Additional Family Court, Chennai and transfer the same to any other Family Court in Chennai.

2. The said F.C.O.P.No.551 of 2009 is filed by the wife herself under Section 13(1)(i-a) of the Hindu Marriage Act for dissolution of marriage held between the petitioner and the respondent on 29.08.2003.

3. Though the matter has been pending from the year 2009, for the reasons best known to the petitioner, it is still kept pending.

4. In paragraph 5 of the affidavit filed in support of the petition, it is stated that the learned Judge before whom the matter is pending, has put pressure on the petitioner to live with the respondent. This is the apprehension expressed by the petitioner for seeking transfer.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. It is not out of place to mention that it is also mandatory on a Family Judge to take every endeavour to reconcile the matter between the parties before the trial. Such earnest endeavours of Presiding Officers cannot be said to be a pressure or coercion exerted on the parties. Seeking transfer on such ground, cannot be entertained by this Court. Hence, this Court is not inclined to transfer the said F.C.O.P.No.551 of 2009 pending on the file of the IV Additional Family Court, Chennai. However, it is specifically directed that both the petitioner and the respondent should extend their full cooperation in disposing of the said O.P and the learned IV Additional Family Judge, Family Court, Chennai is also directed to dispose the said O.P on or before 31.03.2018.

7. Accordingly, the Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

srn
To

1. The IV Additional Family Court, Chennai.

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