

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

Tr.C.M.P.Nos.117 and 118 of 2017
and C.M.P.Nos.2000 and 2001 of 2017

Kandha ... Petitioner in both Tr.CMPs.

Vijayakumar ... Respondent in both Tr.CMPs.

Transfer Civil Miscellaneous Petitions filed under Section 24 of the Civil Procedure Code to withdraw the HMOP Nos.59 and 516 of 2015 on the file of the learned Subordinate Judge, Tambaram and transfer the same to file in the Family Court at Chennai.

For petitioner : Ms.K.Sridevi
For respondent : Mr.B.Thirunavukkarasu

C O M M O N O R D E R

The petitioner, who is the wife of the respondent, has filed the transfer petition in Tr.CMP.No.117 of 2017 to withdraw and transfer HMOP No.59 of 2015 pending on the file of the Subordinate Court, Tambaram to the file of the Family Court, Chennai.

2. Similarly, the wife has also filed a transfer petition in Tr.CMP.No.118 of 2017 to withdraw and transfer HMOP No.516 of 2015 pending on the file of the Subordinate Court, Tambaram to the file of the Family Court, Chennai.

3. HMOP No.59 of 2015 has been filed by the petitioner/wife for divorce on the ground of cruelty. HMOP No.516 of 2015 has been filed by the respondent/husband for restitution of conjugal rights. The learned counsel on either side submitted that both the Original Petitions are being tried jointly before the Subordinate Judge, Tambaram. The petitioner contended that since she is finding difficult to appear before the Subordinate Court, Tambaram, which is nearly 25 km away from her residence at Porur, it would be just and proper to transfer the Original Petitions to the file of Subordinate Court, Poonamallee.

4. The learned counsel appearing for the respondent also agreed for the proposal made by the petitioner for transferring the HMOPs to the file of the Subordinate Court, Poonamallee.

5. In view of the submissions made by the learned counsel on either side that the parties agreed to transfer the HMOPs pending on the file of the Subordinate Court, Tambaram to the file of the Subordinate Court, Poonamallee, I withdraw the Original Petitions in HMOP Nos.59 and 516 of 2015 pending on the file of the Subordinate Court, Tambaram and transfer the same to the file of the Subordinate Court, Poonamallee. The Subordinate Court, Poonamallee is directed to try both the matters jointly and decide the same on merits and in accordance with law.

With these observations, the Transfer Civil Miscellaneous Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gms

To

1. The Subordinate Judge, Tambaram.

2.The Subordinate Judge, Poonamallee.

+2cc to M/S. K. Sridevi, Advocate Sr. 18211

+2cc to Mr.B. Thirunavukkarasu, Advocate Sr. 18013

Tr.C.M.P.Nos.117 and 118 of 2017

KS(CO)
VR(06/04/2017)

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