

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.15 of 2017

C.M.P.No.457 of 2017

T.L.Kalpana

... Petitioner/Respondent

Vs.

D.Kumar

... Respondent/petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.371 of 2016 from the file of the Subordinate Court, Tambaram and transfer to the file of the Subordinate Court, Ranipet.

For Petitioner : Mr.R.Selvakumar

For Respondent : Mr.S.Raja

O R D E R

The petition is filed to withdraw H.M.O.P.No.371 of 2016 from the file of the Subordinate Court, Tambaram and transfer to the file of the Subordinate Court, Ranipet.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 07.09.2014 as per Hindu rites and customs. In the wedlock, a female child was born on 20.7.2015. The grievance of the petitioner is that the respondent deserted her and her female baby on the ground that she has given birth to a female child. But suppressing this fact, the respondent filed a petition in HMOP.No.371 of 2016 before the Sub Court, Tambaram seeking divorce on the ground that he has been put to mental agony due to the cruel activities of the petitioner. It is also stated by the petitioner that though her matrimonial home is at Bangalore and his husband is employed in a Multi National Company placed at Bangalore, he filed the said petition for divorce before the Sub Court, Tambaram showing the residential proof of his brother, only with an ulterior motive to harass the petitioner.

3. According to the petitioner, she and her female baby, who is only one and a half year old is residing along with her aged parents at Arcot. The distance between Chennai to Vellore is more than 160 kilometers. Since she finds it difficult to travel from Vellore along with her female baby to

attend the Court hearings, she left the baby in the custody of her parents. Her parents, being aged they also finds it difficult to take care of her female child independently. Under the said circumstances, the petitioner is before this Court seeking transfer of H.M.O.P.No.371 of 2016 from the file of the Sub Court, Tambaram to the file of the Sub-Court, Ranipet.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. When this petition is taken up for hearing, the learned counsel for the petitioner and respondent have made endorsements stating that both the petitioner and respondent have no objection to transfer the H.M.O.P.No.371 of 2016 pending on the file of Sub Court, Tambaram to the file of the Sub-Court, Vellore.

6. Recording the endorsements made by the learned counsel for the petitioner and respondent, without deciding the case on merits, the petition in H.M.O.P.No.371 of 2016 is ordered to be withdrawn from the file of Sub-Court, Tambaram and transfer it to the file of the Sub-Court, Vellore. The learned Sub Judge, Tambaram is directed to transmit all the records pertaining to H.M.O.P.No.371 of 2016 to the file of the Sub-Court, Vellore, within a period of two weeks from the date of receipt of a copy of this order.

7. Accordingly, this transfer petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

dm/ds

To

1.The Sub Court
Tambaram.

2.The Sub-Court
Vellore.

+1 cc to Mr.R.Selvakumar Advocate sr 41763
+1 cc to Mr.S.Raja Advocate sr 41730

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