

7IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

THE HONOURABLE Ms. JUSTICE V.M.VELUMANI

Tr.C.M.P.No.202 of 2017 & C.M.P.No.3691 of 2017

P.Sunitha

.. Petitioner

Vs

Praveen

.. Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed Under Section 24(1)(2) of Civil Procedure Code to withdraw the H.M.O.P.No.16 of 2016 from the file of the learned Subordinate Judge, Kancheepuram and transfer to the file of the Court of competent Jurisdiction at Chennai.

For Petitioner : Mr.J.I.Rajkumar Roberts

For Respondent : Mr.Sivashankar

ORDER

This petition has been filed to withdraw the H.M.O.P.No.16 of 2016 from the file of Sub Judge, Kancheepuram and transfer to the file of the Court of competent Jurisdiction at Chennai.

2. The petitioner is the wife and the respondent is the husband. The marriage between the petitioner and the respondent was conducted on 11.07.2013 as per Hindu rites and customs. After the marriage, both the petitioner and the respondent were residing together at Secunderabad, Telengana State. Since the respondent and his mother demanded dowry of Rs.10 lakhs, she informed her father and he came to Secunderabad forthwith and told that on the day of marriage itself, he has given Rs.1 lakh apart from other articles. Due to this impact, the respondent slapped the petitioner in front of her father. Therefore, the petitioner's father took the petitioner with him to his house and now she is residing with her parents at Mugalivakkam, Chennai. As the respondent has not co-operated with the petitioner and that he had not returned gold and silver items, the petitioner has filed the HMOP No.16 of 2016 on the file of the learned Subordinate Judge, Kancheepuram, for divorce and also a petition for maintenance against the respondent in

M.C.No.6 of 2016 on the file of the learned Judicial Magistrate, Sriperumbudur and the same was decided exparte and ordered maintenance of Rs.5,000/-.

3. According to the petitioner, at present, the petitioner is residing with her parents at Mugalivakkam and being a lady, it is very difficult for her to attend each and every hearing before the Sub Court, Kancheepuram. She is not having any independent income and is depending on her parents including for the travelling expenses. In the circumstances, she has come out with the present Transfer Civil Miscellaneous Petition to transfer H.M.O.P.No.16 of 2016, filed by her from the file of the Sub Court, Kancheepuram, to the file of the Family Court, Chennai.

4. The learned counsel appearing for the respondent has no objection in allowing the above Transfer Civil Miscellaneous Petition as sought for by the petitioner and he has also made an endorsement to that effect.

5. Recording the no objection given by the learned counsel for the respondent/husband, without deciding the issue on merits, the petition in H.M.O.P.No.16 of 2016 is ordered to be withdrawn from the file of the Subordinate Court, Kancheepuram and transferred to the file of the Principal Family Court, Chennai. The Presiding Officer, Subordinate Court, Kancheepuram, is directed to transmit all the records pertaining to H.M.O.P.No.16 of 2016 to the file of the Principal Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the records, the Presiding Officer, the Principal Family Court, Chennai, is directed to dispose of the above HMOP as expeditiously as possible, in any event, not later than 30th September 2017.

6. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kal/rna

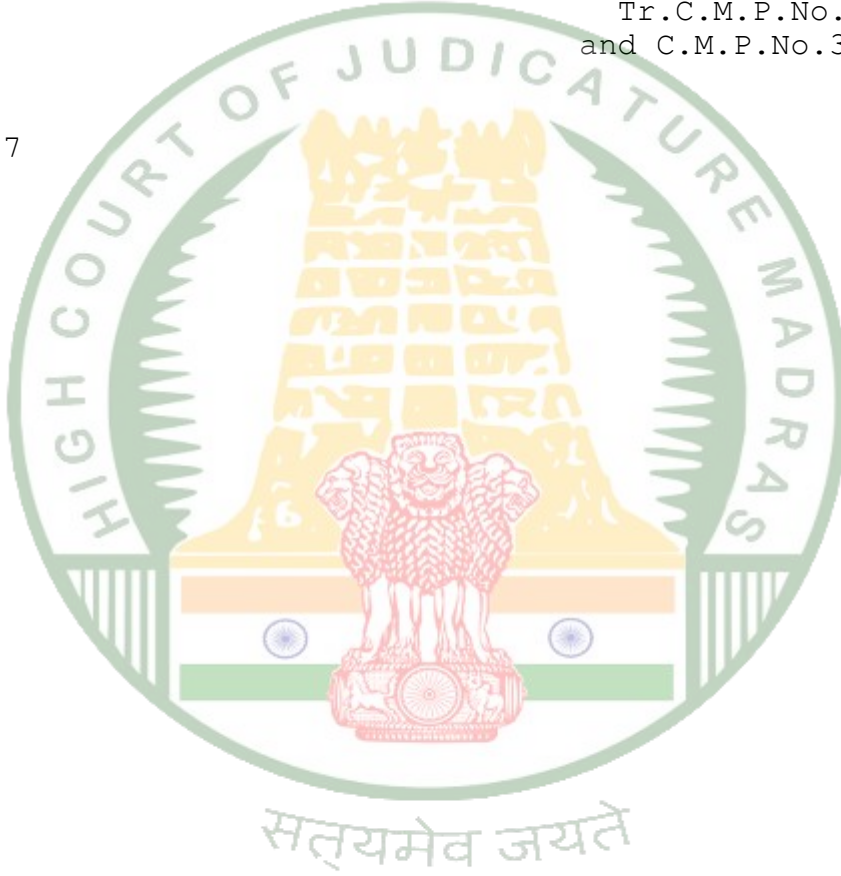
To

1. The Sub Judge,
Kancheepuram.
2. The Presiding Officer,
Principal Family Court, Chennai

+2cc to Mr.J.I.Rajkumar Roberts, Advocate, S.R.No.25688
+1cc to Mr.M.Shreedhar, Advocate, S.R.No.25652

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RSI (CO)
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