

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.300 of 2017
and
CMP.No.5757 of 2017

Deepa Madhavan ... Petitioner/Respondent

Vs.

Vivek Bhardwaj ... Respondent/Petitioner

PRAYER:- Petition has been filed under Section 24 of C.P.C., to withdraw the case pending in H.M.O.P.No.12 of 2017 on the file of the Principal Subordinate Court, Vallioor and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.K.Sumathi

For Respondent : Mr.S.Ashok Kumar

O R D E R

This petition is filed to withdraw the case pending in H.M.O.P.No.12 of 2017 on the file of the Principal Subordinate Court, Vallioor and transfer the same to the file of the Family Court, Chennai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 31.07.2010 as per Hindu rites and customs. Due to difference of opinion, both the petitioner and the respondent are living separately. The respondent filed HMOP.No.12 of 2017 for restitution of conjugal rights on the file of the Principal Subordinate Court, Vallioor.

3. According to the petitioner, she is residing at Chennai with her widow mother. Further, the petitioner has no independent income and is depending on her parents for her day-to-day expenses including travelling expenses. Therefore, she prays for transfer of HMOP.No.12 of 2017 from the file of the Principal Sub-ordinate Court, Vallioor to the file of the Family Court, Chennai.

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

5. When the matter is taken up hearing, both the learned counsel appearing for the parties submitted that they have no objection to transfer the case from Principal Subordinate Court, Vallioor to Sub-Court, Tambaram. They have also made an endorsement to that effect.

6. Recording the endorsement made by the learned counsel for the petitioner and the respondent, without deciding the issue on merits, the petition in H.M.O.P.No.12 of 2017 is ordered to be withdrawn from the file of the Principal Subordinate Court, Vallioor and transferred to the file of the Sub-Court, Tambaram. The Presiding Officer, Principal Subordinate Court, Vallioor, is directed to transmit all the records pertaining to H.M.O.P.No.12 of 2017 to the file of the Sub-Court, Tambaram, within a period of two weeks from the date of receipt of a copy of this order. The Presiding Officer, Sub-Court, Tambaram, is directed to dispose of the H.M.O.P.No.12 of 2017 as expeditiously as possible, in any event, not later than six months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

at/gv

To

1. The Sub-Court,
Vallioor.
2. The Sub-Court,
Tambaram.

+1cc to Mr.S.Ashok Kumar, Advocate, S.R.No.46077

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CS V
CA(12/07/2017)