

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.309 of 2017

and

CMP. No.5848 of 2017

V.Jeevitha

... Petitioner

Vs

A.Madhu @ Loganathan

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C. praying to withdraw the case in H.M.O.P.No.61 of 2016 on the file of the Principal Sub Court, Chengalpattu and transfer the same to Family Court, Chennai and be tried in accordance with law by the Transferee Court.

For Petitioner : Mr.S.Vasu

For Respondent : Mr.V.G.Anbarasu

O R D E R

This transfer petition is filed by the wife seeking transfer of H.M.O.P.No.61 of 2016 filed by the husband under Section 13 (1) (i-a) of the Hindu Marriage Act, pending on the file of the Principal Sub Court, Chengalpattu for divorce to the Family Court, Chennai to be tried along with H.M.O.P.No.1072 of 2017, which is filed by the wife under Section 9 of the Hindu Marriage Act, for restitution of conjugal rights.

2. It is stated by the petitioner-wife that she is residing in Chennai. It is her grievance that her mother is ailing due to old age and hence, she could not accompany the petitioner to attend the hearings. There are no other person to accompany her all the way from Chennai to Chengalpattu for each and every hearing of the said H.M.O.P. Further more, she has to travel 79 kms from Chennai to Chengalpet, which is far from her residence and she could not afford for travelling. Hence, she sought for transfer.

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

4. The learned counsel appearing for the respondent-husband has got no serious objection for transferring the petition.

5. Considering the submission made by the learned counsel for the petitioner and as the respondent has got no objection in transferring the petition to the Family Court, Chennai, this Tr.C.M.P is allowed and H.M.O.P.No.61 of 2016 pending on the file of the Principal Sub Court, Chengalpet shall stand withdrawn and transferred to the file of the Family Court, Chennai to be tried along with H.M.O.P.No.1072 of 2017. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

srn

To

1. The Principal Sub Judge, Chengalpet
2. The Judge, Family Court, Chennai.

+ 1 cc to Mr.V.G.Anbarasu Advocate,SR.79950

+ 1 cc to M/s.S.Vasu,SR.79801

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NR 07/12/2017

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