

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.524 of 2017
and C.M.P.No.10776 of 2017

M. Sivasubramanian ... Petitioner

Versus

S. Subbulakshmi Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and order transfer of H.M.O.P.No.117 of 2017 pending on the file of the Subordinate Judge, Thiruchendur to the file of Family Court, Chennai for enquiry and disposal

Prayer: (Amended vide order of this Court dated 30.10.2017 made in C.M.P.No.18234 of 2017 in Tr.C.M.P.No.524 of 2017).

For Petitioner : Mr.K.S.Vamsidhar
For Respondent : Mr.M.Aniruthan

O R D E R

The petitioner/husband in the matrimonial proceedings has filed this Transfer Civil Miscellaneous Petition, seeking transfer of H.M.O.P.No.79 of 2015, which was originally pending on the file of Sub Court, Thoothukudi and subsequently transferred to Sub Court, Thiruchendur and re-numbered as H.M.O.P.No.117 of 2017. The petitioner/husband also had filed C.M.P.No.18234 of 2017 to carry out appropriate amendment. The said petition is also ordered.

2. The petitioner/husband has filed the above H.M.O.P.No.79 of 2015 (renumbered as 117 of 2017) under Section 13(1)(i-a) of the Hindu Marriage Act, before the Sub Judge, Thiruchendur for dissolution of marriage held between the petitioner and the respondent on 08.11.2000 on the ground of cruelty.

3. It is seen from the affidavit that the address of both the petitioner and the respondent are only in Chennai. The marriage was performed in Thoothukudi and the O.P. was filed by the husband for divorce in Thoothukudi. Now, considering the

convenience of both the parties, the transfer is sought for.

4. Heard the learned counsel for the petitioner as well as learned counsel for the respondent.

5. The learned counsel appearing for the respondent/wife has got no serious objection, as she is also living in Chennai. Hence, with the consent of both the parties, H.M.O.P.No.117 of 2017 now, pending on the file of Sub Court, Thiruchendur is transferred to any of the Family Courts in Chennai, though in the petition, the transfer was sought for to Sub Court, Tambaram.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.117 of 2017, pending on the file of Sub Court, Thiruchendur shall stand withdrawn and transferred to any of the Family Courts in Chennai. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Sub Judge,
Thiruchendur.
2. The Judge,
Family Court, Chennai.

+1 cc to Mr.K.S.Vamsidhar Advocate sr 76479
+1 cc to Mr.M.Aniruthan Advocate sr 76683

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gj(co)
aa04/12/2017