

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.597 of 2017
and
C.M.P.No.12432 of 2017

C.Abinaya

... Petitioner

Versus

S.Ramesh

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the petition in H.M.O.P.No.64 of 2017 pending on the file of Additional Subordinate Judge at Thanjavur and to transfer the same to the Family Court at Chennai.

For Petitioner : Ms.S.T.P.Kuilmozhi
For Respondents : Mr.G.Mani Prabhu

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the petition in H.M.O.P.No.64 of 2017 pending on the file of Additional Subordinate Judge at Thanjavur and to transfer the same to the Family Court at Chennai.

2. Heard both sides.

3. In the affidavit filed in support of this petition, it is stated that the marriage between the petitioner and the respondent was solemnized on 25.05.2014. Out of the wedlock, a male child was born to them on 28.10.2015. It is further stated that the respondent filed H.M.O.P.No.64 of 2017, before the Additional Subordinate Court, Thanjavur seeking divorce. The petitioner/wife is presently residing in Chennai and hence it would be difficult for her to travel from Chennai to Tanjavore along with her child. Hence, she filed this Transfer Civil Miscellaneous Petition seeking transfer.

4. From the address given in the affidavit filed in support of the petition, it is evidenced that the petitioner/wife is a permanent resident of Dindugul and she is permanently residing

in the given address only for the purpose of eking out the livelihood. However, the learned counsel for the respondent would submit that he is employed in Tanjavore and it would be difficult for him to travel to Chennai, besides availing leave from the office.

5. After arguing for some time, the learned counsel appearing for both sides agreed that the matter may be transferred to the Family Court, Dindugul which is the place of permanent abode of the wife.

6. Considering the submissions made by the learned counsel appearing on either side, this Court deems it fit to transfer the H.M.O.P.No.64 of 2017 pending on the file of Additional Subordinate Judge, Tanjavur to the Family Court, Dindugul.

7. Accordingly, this petition is disposed of and the proceedings in H.M.O.P.No.640 of 2017, pending on the file of Additional Subordinate Court, Tanjavur is withdrawn and transferred to the Family Court, Dindugul. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

arr

To

- 1.The Additional Subordinate Court, Thanjavur.
- 2.The Family Court, Dindugul.

+1 CC to Ms.S.T.P.Kuilmozhi, Advocate sr 83451.

WEB COPY

Tr.C.M.P.No.597 of 2017
and
C.M.P.No.12432 of 2017

SP(14/12/2017)