

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.60 of 2017
and
C.M.P.No.1272 of 2017

Mrs.S.Uma ... Petitioner

Versus

Mr.M.Sudhakar ... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the F.C.O.P.No.262 of 2016, pending on the file of Family Court, Vellore and transfer the same to the file of Subordinate Court, Tambaram.

For Petitioner : Mr.M.Ravikumar

For Respondent : Mr.S.Kanmani

O R D E R

This petition has been filed by the petitioner/wife seeking to withdraw the F.C.O.P.No.262 of 2016, filed by the husband, on the file of Family Court, Vellore and transfer the same to the Subordinate Court, Tambaram.

2. Heard both sides.

3. In the affidavit filed in support of this petition, it is stated that respondent/husband filed F.C.O.P.No.262 of 2016, on the file of Family Court, Vellore, for divorce. The petitioner/wife filed H.M.O.P.No.809 of 2016 on the file of Sub Court, Tambaram, seeking for restitution of conjugal rights. It is stated that it is extremely difficult for the petitioner to travel and attend each and every hearing in F.C.O.P.No.262 of 2016. Therefore, she has filed the above petition seeking transfer of the proceedings pending on the file of the Family Court, Vellore to the Sub Court, Tambaram to try along with H.M.O.P.No.809 of 2016.

4. The learned counsel for the respondent/husband has expressed apprehension that it will not be safe for the husband to appear before the Sub Court, Tambaram and he has no objection for transferring both the O.P.'s to any of the Family Courts in Chennai.

5. The learned counsel for the petitioner would submit that the petitioner/wife is also willing to get both the O.P.'s transferred to any of the Family Court in Chennai.

6. As both the parties are willing to appear before any of the Family Court in Chennai, this Court is inclined to withdraw F.C.O.P.No.262 of 2016, from the file of Family Court, Vellore and H.M.O.P.No.809 of 2016, from the file of Sub Court, Tambaram and transfer the same to any of the Family Courts in Chennai.

7. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and F.C.O.P.No.262 of 2016 pending on the file of Family Court, Vellore and H.M.O.P.No.809 of 2016, pending on the file of Sub Court, Tambaram is withdrawn and transferred to any of the Family Court at Chennai. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

// True Copy//

Sub Assistant Registrar

arr

To

1.The Judge,
Family Court, Vellore.

2.The Sub Judge,
Tambaram.

3.The Judge,
Family Court, Madras.

+1cc to Mr.S.Kanmani, Advocate SR.No.75954

Tr.C.M.P.No.60 of 2017

NM(CO)
GN(22/11/2017)