

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.790 of 2017
and C.M.P.No.16092 of 2017

A. Aswini

... Petitioner

versus

R. Prakash

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.44 of 2017 pending on the file of Subordinate Court, Thiruvannamalai and transfer the same to the file of Family Court, Chennai.

For Petitioner : Mr.A.Arulmozhi

For Respondent : Mr.M.Sridhar

O R D E R

The petitioner/wife in the matrimonial dispute has filed the above transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.44 of 2017 filed by the respondent/husband under Section 13(1-a)(1-b) of the Hindu Marriage Act, pending before the Subordinate Judge, Thiruvannamalai for dissolution of marriage held between the petitioner and the respondent on 02.06.2014 and transfer the same to the file of Family Court, Chennai.

2. It is stated in paragraph 8 of the affidavit filed in support of the petition that the petitioner/wife is residing with her parents at Chennai and her father is working in Koyambedu Market. Without any financial support it would be difficult for her to travel about 200 kms from Chennai to Thiruvannamalai for each hearing or even to engage a counsel there. Hence, the petitioner is praying for transfer of H.M.O.P.No.44 of 2017 from the file of Subordinate Court, Thiruvannamalai to the file of Family Court, Chennai.

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

4. The learned counsel for the respondent submitted that if it is a Family Court in Chennai, it will be difficult for the respondent to attend each hearing as the presence of the party is mandatory in Family Court.

5. Considering the plea of the respondent this Court is of the view that it would be appropriate to transfer H.M.O.P.No.44 of 2017 from the file of Subordinate Court, Thiruvannamalai to the file of Subordinate Court, Poonamallee to enable both the parties to represent through counsel.

6. The learned counsel for the petitioner has also got no serious objection for transferring H.M.O.P.No.44 of 2017 to Subordinate Court, Poonamallee.

7. Accordingly, the Transfer Civil Miscellaneous Petition is disposed of and H.M.O.P.No.44 of 2017, pending on the file of Subordinate Court, Thiruvannamalai shall stand withdrawn and transferred to the file of Subordinate Court, Poonamallee. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Thiruvannamalai.

2. The Subordinate Judge,
Poonamallee.

+1cc to Mr.M.Sridhar, Advocate, S.R.No.90645

+1cc to Mr.A.Arulmozhi, Advocate, S.R.No.90507

Tr.C.M.P. No.790 of 2017
and C.M.P.No.16092 of 2017

ppa(co)
cs/18/01/18