

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2017

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THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

Tr.C.M.P.No.81 of 2017 &

CMP.No.1627 of 2017

A.Thiyagarajan

... Petitioner

v.

J.Selvaramya

... Respondent

Tr.C.M.P. filed under section 24 of C.P.C., to withdraw and transfer H.M.O.P. No.96 of 2016 on the file of the Learned Sub Judge, Sivagangai to the Learned Family Court Judge, Chennai.

For Petitioner	: Ms.M.Ezhilarasi for Mr.K.Sudalaikannu
For Respondent	: Ms.S.Vasavi Sridevi

ORDER

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The petitioner, who is the husband of the respondent, has filed the above Tr.C.M.P. to withdraw the Original Petition in H.M.O.P. No.96 of 2016 pending on the file of Subordinate Court, Sivagangai and

transfer the same to the file of the Family Court, Chennai.

3. Admittedly, the petitioner is a resident of Mettur and the respondent is a resident of Singampunari, Sivagangai District. Originally, H.M.O.P. No.96 of 2016 was filed before the Sivaganga Court by the respondent wife. In these circumstances, absolutely, there is no cause of action at Chennai for entertaining the Original Petition. Under these circumstances, the petitioner/husband has not made out a case for transfer originally from the file of the Subordinate Court, Sivagangai to the file of the Family Court, Chennai.

The petition deserves to be dismissed and accordingly the same is dismissed. No costs. Connected miscellaneous petition is also dismissed.

10.03.2017

Index: Yes/No

rg

1. The Subordinate Court
Sivagangai
2. The Family Court
Chennai

M. DURAISWAMY,J.,

rg

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At the instance of Mr.V.Prakash, learned Senior Counsel for the petitioner, the matter has been listed under the caption " for being mentioned".

2. By order dated 10.03.2017, this Court dismissed the Transfer Petition. The learned Senior Counsel appearing for the petitioner submitted that there is a possibility of settlement and hence the matter may be referred to the Mediation Centre at Sivagangai for exploring the possibilities of settlement. The learned counsel appearing for the respondent also agreed for the proposal made by the learned Senior Counsel for the petitioner.

3. In view of the same, the Sub Judge, Sivagangai, is directed to refer the matter for Mediation for exploring the possibilities of settlement. In other aspects, the order dated 10.03.2017 shall stand unaltered.

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15.03.2017

M. DURAISWAMY,J.,

rg

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