

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.440 of 2015
and
M.P.No.1 of 2015

R.Indumathi

... Petitioner

Vs.

S.Ranganathan

... Respondent

Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the case in H.M.O.P.No.18 of 2015 on the file of the Subordinate Judge, Ariyalur and transfer the same to the file of the Family Court, Chennai

For Petitioner : Mr.V.S.Mannarasamy

For Respondent : Served-No Appearance

O R D E R

The petitioner has filed this Transfer miscellaneous petition to withdraw the proceedings pending before the Subordinate Judge, Ariyalur in H.M.O.P.No18 of 2015 and transfer the same to the Family Court Judge, Chennai.

2. The respondent-husband filed H.M.O.P.No.18 of 2015 under Section 13(b)(i)(a) of the Hindu Marriage Act for divorce before the Subordinate Court, Ariyalur.

3. It is stated that the case has been instituted by the respondent only with a mala-fide intention to suit his own convenience and caused hardship to the petitioner knowingly. It is further stated that the petitioner gave birth to three children and she is staying at Vadapalani, Chennai. The petitioner is put to untold problems including medical problems to travel all along from Chennai to Ariyalur, along with her parents, for each of the hearing. It is also stated that she had been accompanied by her aged parents for each hearing. Since her parents are old aged, they are not able to accompany her to attend the further hearings. The petitioner being a house wife and unemployed, is unable to engage or appoint an advocate in Ariyalur and thereby it is causing financial hardship to the petitioner. Hence, she seeks for

transferring the said H.M.O.P from the Sub Court, Ariyalur to the Family Court, Chennai.

4. Though the respondent had been served with notice and his name is printed in the cause list, there is no representation for the respondent either in person or through counsel.

5. Taking into consideration the facts and circumstances of the case and the grievances of the petitioner, this Court finds that the petitioner is entitled for the transfer of the case from Ariyalur to Chennai. Accordingly, this Tr.C.M.P is allowed and H.M.O.P.No.18 of 2015 pending on the file of the Subordinate Judge, Ariyalur, shall stand transferred to the file of the Family Court, Chennai. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

srn

To

1.The Subordinate Judge,
Ariyalur.

2.The Judge,
Family Court,
Chennai.

+1cc to Mr.V.S.Mannarasamy, Advocate, S.R.No.2538

Tr.C.M.P.No.440 of 2015
and
M.P.No.1 of 2015

MV(CO)
CA(31/01/2017)

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