

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.481 of 2015
and M.P.No.1 of 2015

A.R.Usharani ... Petitioner

-Vs-

A.R.Ramesh Babu ... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw the petition in H.M.O.P.No.375 of 2015 from the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Chennai.

For petitioner ... Mr.K.Balaji
For Respondent ... No Appearance

O R D E R

The petitioner-wife has filed this transfer petition seeking transfer of H.M.O.P.No.375 of 2015 from the file of the Family Court, Madurai to the file of the Family Court, Chennai.

2. The wife is living in Chennai and the H.M.O.P is filed by the husband for restitution of conjugal rights at Madurai. Admittedly, there is also a case filed by the petitioner-wife under Domestic Violence Act, which is pending before the X Metropolitan Magistrate Court, Egmore, Chennai, for which, the respondent-husband has been appearing. It is also stated that after the above said case under the Domestic Violence Act was filed, the respondent-husband has also filed H.M.O.P.No.375 of 2015 for restitution of conjugal rights and there is no bona fide in the same. It is also stated that the petitioner is unable to travel to Madurai for each of the hearing and if it is transferred to Chennai, it will not be prejudicial to the respondent.

3. Though the respondent was served with notice and represented through counsel, there is no representation today either in person or through counsel and the matter has been adjourned for more than four occasions.

4. Considering the grievances expressed by the petitioner that she has to travel all along from Chennai to Madurai, this Court deems it fit to transfer the said H.M.O.P.No.375 of 2015 from the file of the Family Court, Madurai to the Family Court, Chennai.

5. Accordingly, the Tr.C.M.P is allowed and H.M.O.P.No.375 of 2015 pending on the file of the Family Court, Madurai shall stand withdrawn and the same is transferred to the file of the Family Court, Chennai. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn
To

1. The Judge,
Family Court, Madurai.
2. The Judge,
Family Court, Chennai.

+lcc to Mr.P.Nagoormeeran, Advocate SR.6382
+lcc to Mr.K.Balaji, Advocate Sr.9863

सत्यमेव जयते

Tr.C.M.P.No.481 of 2015
and M.P.No.1 of 2015

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