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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2018

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THE HONOURABLE MR.JUSTICE C.T.SELVAM

Review Application No.169 of 2017
against TR.C.M.P.No.236 of 2016

T.Manoj ... Review Petitioner/Respondent
- Vs -

G.Krishnaveni ... Respondents/Petitioner

Review Petition filed under Order XLVII Rule 1 r/w Section 114 of the Civil Procedure Code against the order of this Court passed in Tr.C.M.P.No.236 of 2016 on 14.06.2016.

prayer in TR.C.M.P.No.236 of 2016:

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, 1906, praying to withdraw OP No.962 of 2016 on the file of I Additional Family Court, Chennai and transfer the same to the file of Subordinate Judge (Camp Court), Mettupalayam.

For Applicant : Mr.P.Chandrasekaran

For Respondent : Mr.S.Kadarkarai

O R D E R

This application seeks review of the order of this Court passed in Tr.C.M.P.No.236 of 2016 on 14.06.2016.

2. Heard learned counsel for review applicant and learned counsel for respondent.

3. Learned counsel for review applicant submitted that this Court had passed the order of Transfer of the case in O.P.No.962 of 2016 from I Additional Family Court, Chennai to learned Subordinate Judge (Camp Court), Mettupalayam on 14.06.2016 on the representation that the respondent/petitioner had been residing with her parents at Mettupalayam and had to take care of them. However, respondent/petitioner was employed in Canada and had returned thereto on 07.05.2016, as such she has obtained the order in her favour in Tr.C.M.P.No.236 of 2016 on misrepresentation.



4. Heard learned counsel for respondent on the above submission.

5. Both Counsels had referred to paragraph 10 of counter affidavit of respondent, which reads as follows:-

"10. I humbly submit and swear that after the stiff opposition and resistance of the parents of the petitioner and my illegal desertion, out of frustration and depression, I decided to resign my lucrative employment abroad and return to India. But even without proper leave and any formal letter of resignation, I returned to India on 07.02.2016 and stayed with my parents at the time of filing of the Tr.CMP. I went back to Canada only on 07.05.2016, due to the pressure from my former Employer. However, my Employer enabled me to retain my services, and assured to locate some suitable job, in their counterparts in India, in due course. Accordingly, I left Canada, once and for all on 16.07.2016 and joined at their counterpart at Bangalore only on 18.07.2016. I reiterate that at the time of filing the above Tr.CMP, I was actually residing at my native place along with my parents at Mettupalayam and not employed at Bangalore as falsely projected by the petitioner, to canvass, that as if have committed the serious act of PERJURY."

6. On careful consideration, this Court is of the view that the respondent/petitioner had returned to Canada in compelling circumstance informed in the above reproduced paragraph and that she has returned to India thereafter. This Court does not consider it appropriate to entertain this Review Application.

7. The Review Application is dismissed. The direction of this Court to Transfer of the case in O.P.No.962 of 2016 from I Additional Family Court, Chennai to learned Subordinate Judge (Camp Court), Mettupalayam on 14.06.2016, is to be strictly adhered to. No costs.

Sd/-
Assistant Registrar (CS-ix)

//True Copy//

Sub Assistant Registrar

kmi



To

1. The I Additional Family Court,
Chennai.

2. The Subordinate Judge (Camp Court),
Mettupalayam.

+1cc to Mr.P.CHANDRASEKAR, Advocate, S.R.No.23578

+1cc to Mr.S.KADARKARAI, Advocate, S.R.No. 23141

Review Application No.169 of 2017

VG II(CO)
TR(12/06/2018)