

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.83 of 2012

and

M.P.No.1 of 2012

P.Gayathri

.. Petitioner

-Vs-

S.Padmanabhan

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw H.M.O.P.No.126 of 2011 pending on the file of the Subordinate Court, Kancheepuram and transfer the same to the file of the Principal Family Court, Chennai.

For petitioner ... Mr.E.Vinothkumar

For Respondent ... No Appearance

ORDER

The petitioner/wife has filed the above Transfer Civil Miscellaneous Petition to withdraw H.M.O.P.No.126 of 2011 on the file of the Sub Court, Kancheepuram and transfer the same to the file of the Principal Family Court, Chennai.

2. The respondent-husband filed H.M.O.P.No.126 of 2011 before the Sub Court Kancheepuram for dissolution of marriage held between the petitioner and the respondent on 28.11.2007. The petitioner-wife has also filed H.M.O.P.No.304 of 2012 before the Family Court, Chennai for restitution of conjugal rights.

3. The petitioner in her affidavit filed in support of the transfer petition has stated that she is unemployed and has no independent source of income to meet her basic requirements. It is further stated that she is now residing at her brother's house along with a female minor child and is dependent on her brother even for her livelihood. It is also stated that she has to take her child and

brother along with her for every hearing and further she is unable to incur the expenses and as such, it would be difficult for her to appear before the Court at Kancheepuram. Hence, she seeks transfer from Kancheepuram to Chennai.

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

5. Taking into consideration the above grievances expressed by the petitioner and also taking into account the fact that she could not afford for travelling and coupled with the fact that she is having a female child, this Court deems it fit to transfer the said H.M.O.P.No.126 of 2011 pending on the file of the Sub Court Kancheepuram to the file of the Principal Family Court at Chennai.

PUSHPA SATHYANARAYANA.J

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5. Accordingly, Tr.C.M.P. is allowed and H.M.O.P.No.126 of 2011 from the file of the Sub Court, Kancheepuram shall stand withdrawn and is transferred to the file of the Principal Family Court, Chennai to be tried along with H.M.O.P.No.304 of 2012. No costs. Consequently, connected miscellaneous petition is closed.

14.02.2017

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To

1. The Sub Court Kancheepuram
2. The Principal Family Court, Chennai

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and M.P.No.1 of 2012

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