

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.184 of 2016
and
C.M.P.No.5291 of 2016

D.Thilgavathy .. Petitioner

-Vs.-

S.Ramesh Babu .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw O.P.No.381 of 2015 on the file of the Subordinate Court at Poonamallee and transfer the same to the Subordinate Court at Vellore.

For petitioner ... Mr.S.Partheeban

For Respondent ... Mr.P.Ganesh Kumar

O R D E R

The transfer petition is filed by the petitioner-wife seeking permission to withdraw and transfer the H.M.O.P.No.381 of 2015 pending on the file of the Subordinate Court, Poonamallee to the file the Subordinate Court, Vellore.

2. The respondent-husband filed a petition in H.M.O.P.No.381 of 2015 under Section 9 of the Hindu Marriage Act, before the Sub Judge, Poonamallee, for restitution of conjugal rights.

3. The petitioner, who is the wife, has also filed F.C.O.P.No.29 of 2016 under Section 13(1) (i-a) of the Hindu Marriage Act on the file of the Family Court, Vellore for divorce on the ground of cruelty

2. It is stated by the petitioner-wife that she being a woman, is not able to travel from Vellore to Poonamallee to attend the hearings with his father, working as a Coolie, who is unable to bear the expenses. Hence, she seeks for transfer.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent and perused the materials available on record.

4. The learned counsel appearing for the respondent-husband has expressed no objection for transferring the petition.

5. Considering the submission made by the learned counsel for the petitioner and as the respondent has got no objection in transferring the petition to the Family Court, Vellore, this Tr.C.M.P is allowed and H.M.O.P.No.381 of 2015, pending on the file of the Subordinate Court, Poonamallee shall stand withdrawn and transferred to the Subordinate Court, Vellore, to be tried along with F.C.O.P.No.29 of 2016. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Sub Judge, Poonamallee
2. The Sub Judge, Vellore

+1cc to Mr.S.PARTEEBEN Advocate, S.R.No. 79761

Tr.C.M.P.No.184 of 2016
and
C.M.P.No.5291 of 2016

TR(06/12/2017)

सत्यमेव जयते

WEB COPY