

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2017

CORAM:
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P. No.298 of 2016
&
C.M.P. No.8145 of 2016

Dhanalakshmi

... Petitioner

Vs.

R.Jothiprakash

... Respondent

Prayer: Petition has been filed under Section 24 of C.P.C., to withdraw F.C.O.P.No.118 of 2015 from the file of the Family Court, Chengalpet and transfer the same to any competent Court.

For Petitioner : Mr.S.Anburaja

For Respondent : Served
No Appearance

ORDER

This petition has been filed by the petitioner seeking to transfer the F.C.O.P.No.118 of 2015 from the file of the Family Court, Chengalpet and transfer the same to any competent Court.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 17.02.2008 as per Hindu rites and customs at Gowtham Thirumana Mandapam, Urapakkam, Kancheepuram District. Due to difference of opinion, the respondent, under the instigation of his mother and sister, thrown the petitioner out from the matrimonial home on 16.07.2014. Parents of the petitioner tried to reunite the petitioner and the respondent through elders. While so, the respondent filed F.C.O.P.No.118 of 2015 for dissolving the marriage against the petitioner, on the file of the Family Court, Chengalpet. The petitioner filed counter statement along with counter claim petition in No.305 of 2015 for reunion.

3. According to the petitioner, she has filed I.A.No.111 of 2015 before the Family Court, Chengalpet, claiming maintenance. The Presiding Officer, Family Court, Chengalpet, by an order

dated 01.08.2015 granted interim maintenance of Rs.2,000/- per month to the petitioner and a sum of Rs.3,000/- towards litigation expenses. In order to escape from the liability of paying maintenance to the petitioner, the respondent filed I.A.No.155 of 2015 claiming maintenance from the petitioner. The said I.A. was dismissed on 01.10.2015. The respondent did not pay the maintenance amount as ordered by the Family Court, Chengalpet, on 01.08.2015. In the said circumstances, the learned counsel for the petitioner has filed a memo dated 04.03.2016 calculating the arrears of the amount to be paid by the respondent. In spite of the same, the learned Judge, permitted the respondent to file proof affidavit and directed the petitioner to cross-examine the respondent without paying arrears of maintenance. In the said circumstances, the petitioner has come forward with this petition seeking to transfer the F.C.O.P.No.118 of 2015 from the file of the Family Court, Chengalpet to any other competent Court.

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

5. Considering the submissions made by the learned counsel for the petitioner, this Transfer Civil Miscellaneous petition is disposed of, by directing the Presiding Officer, Family Court, Chengalpet, to pass orders on the memo filed by the petitioner. No Costs. Consequently, Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jr1

To

The Judge,
Family Court,
Chengalpet.

+1cc to Mr.S.Anburaja, Advocate SR.No.3949

Tr.C.M.P. No.298 of 2016

RK(CO)
GN(11/07/2017)