

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.502 of 2016
and C.M.P.No.13601 of 2016

R.Nandhini

... Petitioner

Vs.

J.Sakthi Ganesh

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw the petition in H.M.O.P.No.262 of 2016 from the file of Sub Court, Tambaram and to transfer the same to the Family Court, Coimbatore.

For Petitioner : Mr.J.Franklin

For Respondent : M/s.S.Conscious Ilango

O R D E R

This petition is filed to withdraw H.M.O.P.No.262 of 2016 from the file of the Sub Court, Tambaram and transfer the same to the file of the Family Court, Coimbatore.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 23.11.2012 as per Hindu rites and customs. Due to difference of opinion that arose between the petitioner and respondent, they are living separately. The petitioner left the matrimonial home on 30.03.2013 and filed a complaint against the respondent under Domestic Violence Act in D.V.Act No.26 of 2013 before the Judicial Magistrate No.6, Coimbatore. The petitioner has also filed protest petition in C.C.No.384 of 2015 before the Judicial Magistrate No.6, Coimbatore, both the cases are pending before the said Court. The respondent filed H.M.O.P.No.262 of 2016 for divorce on the file of the Sub Court, Tambaram.

3. According to the petitioner, she is residing at her parents house and she is not having any independent income for maintaining herself. The distance between Coimbatore to Tambaram

is more than 450 Kilometers and hence, it is very difficult for her to travel from Coimbatore to Tambaram to attend the hearing.

4. The learned counsel appearing for the respondent, filed the counter affidavit and submitted that the respondent lost his job as he was attending the Court hearing frequently at Coimbatore, in the dispute between the parties and he was taking often leave in the company for attending the Court hearings. Ultimately, he even lost his job and recently he got a new job in the Company called "Cognizant". It is very difficult for him to travel from Chennai to Coimbatore to attend the Court hearings. Therefore, he prays for dismissal of the above Tr.CMP.

5. The contention of the learned counsel for respondent that due to the fact that he took leave often to attend Court proceedings at Coimbatore and he lost said job and cannot take leave in new job has considerable force. Taking in to consideration the submissions of the learned counsel for respondent and convenience of both parties and the Transfer Civil Miscellaneous Petition is dismissed. In the interest of justice the appearance of the petitioner before Sub Court Tambaram is dispensed with for every hearing except at the time of trial or as and when required and when the Court directs her to appear. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dm/jv

To
The Sub-Court,
Tambaram

+1cc to M/s.Conscious Ilango, Advocate, S.R.No.45172/17

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CU(26/07/2017)