

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.726 and 522 of 2016
and
C.M.P.Nos.18823 of 2016 and 14079 of 2016

I.Nithya ... Petitioner in both Tr.C.M.Ps
-Vs-

B.Surendar ... Respondent in both Tr.C.M.Ps

Prayer in Tr.C.M.P.No.726 of 2016

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw H.M.O.P.No.3148 of 2015 from the file of the Family Court, Chennai and transfer the same to the District Court at Dindigul with a direction to try the same.

Prayer in Tr.C.M.P.No.522 of 2016

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw H.M.O.P.No.860 of 2015 from the file of the Family Court, Chennai and transfer the same to the District Court at Dindigul with a direction to try the same.

For petitioner ... Mr.R.T.Chidambaram
in both Tr.C.M.Ps

For respondent ... Mr.G.Veerapathiran
in both Tr.C.M.Ps

C O M M O N O R D E R

The petitioner/wife has filed these Transfer Civil Miscellaneous Petition to withdraw H.M.O.P.No.3148 of 2015 and H.M.O.P.No.860 of 2015 pending on the file of the Family Court, Chennai and transfer the same to the file of the District Court, Dindigul.

2. H.M.O.P.No.860 of 2015 is filed by the respondent-husband before the Family Court, Chennai, for dissolution of

marriage solemnised between the petitioner and the respondent on 04.07.2008. The petitioner-wife has also filed a petition in H.M.O.P.No.3148 of 2015 for restitution of conjugal rights, which is also pending before the same Court.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. It is the grievance of the petitioner in the affidavit filed in support of these petitions that she is having a minor daughter and she finds it difficult to travel alone from Dindigul to Chennai for attending each and every hearing of the cases, coupled with the fact that she is also having medical problem/health condition and that her ailing and aged parents could not accompany her for every hearing and also taking into account the fact that she is a working woman and unable to engage an Advocate in Chennai and also taking into consideration her financial constraint, she seeks for transferring the said H.M.O.Ps from Chennai to Dindigul, where she is now residing and child is also stated to be going to school. However, the respondent-husband has stated that transferring O.Ps to the Dindigul is difficult being a long distant route for him, as he is employed in Chennai. But, he has no objection to transfer these O.P.s to the Family Court, Trichy, which is hardly 60 k.m. from Dindigul, being the place suitable for both the parties.

5. Considering the submissions made by both the parties and also taking into account the fact that the petitioner is an employee of State Bank of India, Trichy and as the respondent has got no objection in transferring H.M.O.Ps to Trichy and as, in transfer cases, the convenience of the wife is of paramount importance, this Court deems it fit to transfer the said H.M.O.Ps in H.M.O.P.No.3148 of 2015 and H.M.O.P.No. 860 of 2015 from the file of the Family Court, Chennai to the file of the District Court, Trichy. Both the Tr.C.M.Ps are ordered accordingly. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1. The Principal Judge, Family Court, Chennai
2. The District Judge, Dindigul

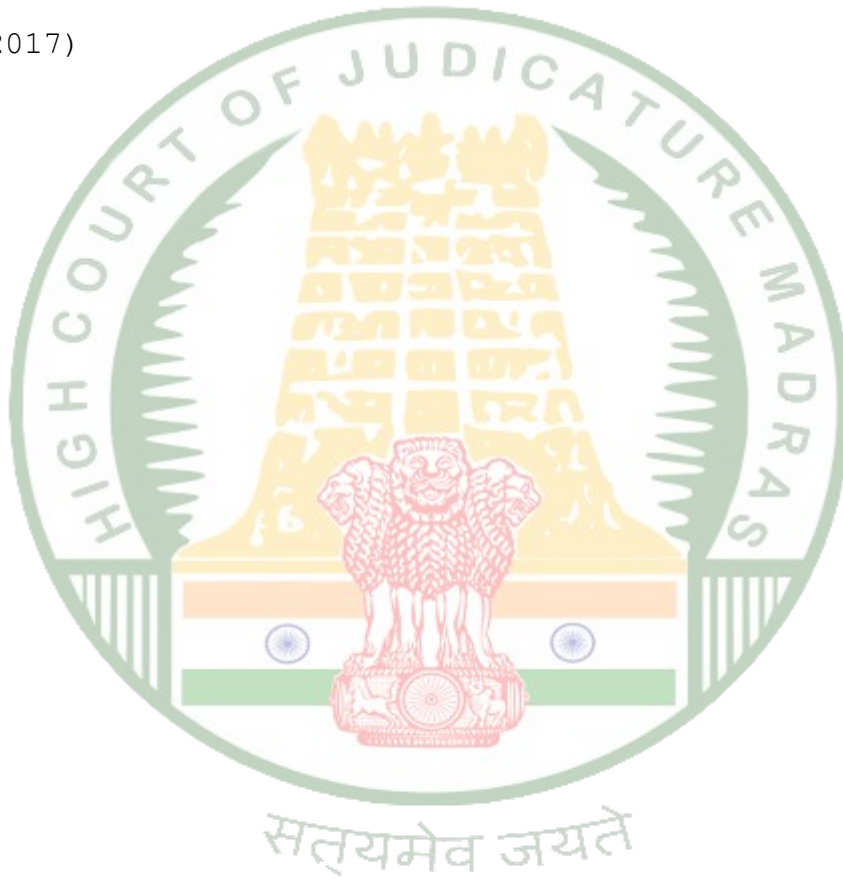
3. The District Judge, Trichy

+2ccs to Mr.R.T. Chidambaram, Advocate in SR. 7578, 7579

+4ccs to Mr.G. Veerapathiran, Advocate in SR. 7575, 7576

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SRN (CO)
VR (02/03/2017)



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