

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.750 of 2016
and C.M.P.No.19308 of 2016

S.Manju

... Petitioner/Respondent

Vs.

Nagaraj @ Bharath

... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.30 of 2015 from the file of the Subordinate Court, Perundurai and transfer to the file of the Family Court, Chennai.

For Petitioner : Mr.M.R.Radhakrishnan

For Respondent : M/S.Nathan and Associates

O R D E R

This petition is filed to withdraw H.M.O.P.No.30 of 2015 from the file of the Sub Court, Perundurai and transfer to the file of the Family Court, Chennai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 18.06.2014 as per Hindu rites and customs. Due to dispute, both of them are living separately. The respondent filed H.M.O.P.No.30 of 2015 to declare the marriage as null and void, on the file of the Sub-Court, Perundurai.

3. According to the petitioner, she is residing at Kozhikode. She is unemployed and is depending on her father. The respondent is a politically influenced person and she is facing life threat, when she has come to Perundurai for attending the hearing. The respondent is working in Chennai. The petitioner has also filed H.M.O.P.No.1586 of 2017 on the file of the III Additional Family Court, Chennai and the same is pending. Therefore, she prays for transfer of H.M.O.P.No.30 of 2015 from the file of the Sub Court, Perundurai to the file of the III Additional Family Court, Chennai and to try along with H.M.O.P.No.1586 of 2017.

4. Learned counsel for the respondent submitted that the respondent has no objection to transfer the case as sought for by the petitioner and he has also made an endorsement to that effect.

5. Recording the no objection given by the learned counsel for the respondent, without deciding the issue on merits, the petition in H.M.O.P.No.30 of 2015 is ordered to be withdrawn from the file of the Sub-Court, Perundurai and transferred to the file of the III Additional Family Court, Chennai and to be tried along with H.M.O.P.No.1586 of 2017. The presiding Officer, Sub-Court, Perundurai, is directed to transmit all the records pertaining to H.M.O.P.No.30 of 2015 to the file of the III Additional Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, this Transfer Civil Miscellaneous petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Court,
Perundurai.

2.The III Additional Family Court,
Chennai.

+1cc to M/S.Nathan & Associates, Advocate Sr. 40544
+1cc to Mr.M.R.Radhakrishnan, Advocate Sr. 40473

Tr.C.M.P. No.750 of 2016
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SR(CO)
VR(20/06/2017)