

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

Transfer CMP No.755 of 2016 and

CMP No.19425 of 2016

Dr.B.Radhika

... Petitioner

v.

Dr.S.Jaghadeesan

... Respondent

Prayer:- Tr.C.M.P. filed under section 24 of C.P.C., to withdraw and transfer the H.M.O.P.No.233 of 2016 on the file of Family Court, Dharmapuri to the Family Court at Coimbatore.

For Petitioner : Mr.P.Subramanian
For Respondent : Mr.V.Nandakumar

O R D E R

The petitioner, who is the wife of the respondent, has filed the above Transfer Civil Miscellaneous Petition to transfer the Original Petition in H.M.O.P No. 233 of 2016, pending on the file of Family Court, Dharmapuri to the file of Family Court, Coimbatore. H.M.O.P No. 233 of 2016 was filed by the respondent husband for divorce on the ground of cruelty. The petitioner seeks to transfer the Original petition pending on the file of Family Court, Dharmapuri to the file of Family Court at Coimbatore.

2. Admittedly, the petitioner is residing at Pondicherry, pursuing her Post Graduation course in M.D at Venkateswara Medical College, Ariyur, Pondicherry. When the petitioner, who is the respondent in H.M.O.P No. 233 of 2016 is residing at Pondicherry, she cannot seek for transfer of the Original Petition pending on the file of Family Court, Dharmapuri to the file of Family Court, Coimbatore.

3. The learned counsel appearing for the respondent submitted that the Original Petition pending on the file of Family Court, Dharmapuri may be transferred to the Family Court, Pondicherry, since the petitioner-wife is residing at Pondicherry. However, the learned counsel appearing for the

petitioner submitted that the petitioner wife is not agreeable for transferring the Original Petition to the file of Family Court, Pondicherry. The learned counsel, further submitted that the petitioners' parents are residing at Coimbatore, therefore, the Original Petition should be transferred to the file of Family Court, Coimbatore.

4. When the petitioner herself is residing at Pondicherry, I do not find any reason to transfer the Original Petition to any other place other than Pondicherry, except with the consent of the respondent-husband.

5. Since the petitioner-wife is not willing for transfer of the Original Petition to the file of Family Court, Pondicherry, I do not find any reason to entertain the present petition. Accordingly, the Transfer Petition is dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Judge, Family Court,
Dharmapuri.

+1cc to Mr.V. Nandakumar, Advocate Sr. 19028

+1cc to M.P. Subramanian, Advocate Sr. 18949

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CMP No.19425 of 2016

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