

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.773 of 2016

A.Anil Kumar

... Petitioner

Vs.

V.Devi Sagampari

... Respondent

PRAYER:- Petition has been filed under Section 24 of C.P.C., to withdraw the proceedings in H.M.O.P.No.177 of 2015 on the file of the learned Sub Judge, Kanchipuram, Kanchipuram District and transfer the same to the file of Sub Court, Cheyyar, Thiruvannamalai District to be tried along with H.M.O.P.No.21 of 2016.

For Petitioner : Mr. K.G.Senthil Kumar
For Respondent : Mr. Ilayaperumal

O R D E R

This petition is filed to withdraw H.M.O.P.No.177 of 2015 on the file of the learned Sub Judge, Kanchipuram, Kanchipuram District and transfer to the file of Sub Court, Cheyyar, Thiruvannamalai District to be tried along with H.M.O.P.No.21 of 2016.

2. The petitioner is the husband and respondent is the wife. The marriage between the petitioner and respondent was conducted on 21.08.2015 as per Hindu rites and customs. Due to dispute, both of them are living separately. The respondent filed H.M.O.P.No.177 of 2015 to declare the marriage as null and void, on the file of the learned Sub Judge, Kanchipuram, Kanchipuram District.

3. According to the petitioner, he is residing at Kanchipuram. He is employed and now working as Technical Assistant, Department of Forest and Environment, Government of India at Jabalpur, State of Madhya Pradesh. The respondent is a mentally affected person and she is taking treatment at C.M.C.Hospital, Vellore and also at Bagayam. The petitioner temporarily came down to Chennai. The petitioner has also filed H.M.O.P.No.21 of 2016 on the file of Sub Court, Cheyyar, Thiruvannamalai district and the same is pending. Therefore, he prays for transfer of H.M.O.P.No.177 of 2015 from the file of the learned Sub Judge, Kanchipuram, Kanchipuram district to

the file of the Sub Court, Cheyyar, Thiruvannamalai District and to try along with H.M.O.P.No.21 of 2016.

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. Memo is also filed 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for the respondent, without deciding the issue on merits, the petition in H.M.O.P.No.177 of 2015 is ordered to be withdrawn from the file of the learned Sub Judge, Kanchipuram, Kanchipuram district and transferred to the file of the Sub Court, Cheyyar, Tiruvannamalai district and to be tried along with H.M.O.P.No.21 of 2016. The Sub-Court, Kanchipuram, Kanchipuram district, is directed to transmit all the records pertaining to H.M.O.P.No.177 of 2015 to the file of the Sub Court, Cheyyar, Thiruvannamalai district 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.

-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

gv

To

- 1.The Sub-Court, Kanchipuram, Kanchipuram district.
- 2.The Sub Court, Cheyyar, Thiruvannamalai district

+1 CC to Mr.K.G. Senthilkumar, advocate sr 42495

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