



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.779 of 2016
and C.M.P.No.19802 of 2016

R. Nagalakshmi

... Petitioner

versus

C. Gangadharam

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the divorce petition in H.M.O.P.No.1005 of 2016 on the file of the Principal Family Court, Coimbatore and to transfer the same to the file of Family Court, Chennai.

For Petitioner : Mr.S.S.Swaminathan

For Respondent : Ms.V.S.Usharani

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, which was earlier allowed by this Court on 15.06.2017. On 10.07.2017, the matter was taken up for hearing under the caption for "being mentioned" at the instance of the learned counsel for the respondent on the ground that on the date of hearing, there was no representation on their behalf for the reason that their name was wrongly printed in the cause list. Accordingly, the order dated 15.06.2017 was recalled and the matter was referred to mediation, which was not materialised.

2. H.M.O.P.No.1005 of 2016 was filed by the respondent/husband before the Principal Family Court, Coimbatore under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act for divorce and the petitioner/wife sought transfer of the same to the file of the Family Court, Chennai.

3. Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

4. The learned counsel for the petitioner submits that subsequent to the order dated 15.06.2017 the O.P. was



transferred to Family Court, Chennai and renumbered as H.M.O.P.No.3095 of 2017 on the file of I Additional Family Court, Chennai and it was posted for hearing on 05.03.2018.

5. The learned counsel appearing for the respondent also stated that the O.P. was already transferred to Chennai and she got no objection to continue with the same in Chennai. However, she sought for a direction for speedy disposal of the same.

6. Even in the earlier order of this Court, the convenience of the wife was considered and the O.P. was transferred to Chennai, as the petitioner/wife is living in Chennai without any independent income of her own. I could not see any reason to modify the said order.

7. Accordingly, the Transfer Civil Miscellaneous petition is allowed. It is made clear that the transfer effected pursuant to the order of this Court dated 15.06.2017 is confirmed. The I Additional Judge, Family Court, Chennai is directed to dispose of H.M.O.P.No.3095 of 2017, as expeditiously as possible. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Principal Judge,
Family Court, Coimbatore.

2. The I Additional Judge,
Family Court, Chennai.

+1cc to Mr.V.S.Usha Rani, Advocate, S.R.No.8261

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RRK(22/02/2018)