

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2018

CORAM:

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.164 of 2017
and C.M.P.No.2985 of 2017

Divyabharathi

... Petitioner

Vs.

Kumaresan @ Boopalan

... Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw and transfer the case in H.M.O.P.No.46 of 2016 on the file of the Family Court, Chengalpet to the Family Court, Chennai to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu
For Respondent : Mr.J.Selvarajan

O R D E R

The wife in a matrimonial proceedings has filed this transfer C.M.P., seeking to withdraw H.M.O.P.No.46 of 2016 pending on the file of the Family Court, Chengalpet and transfer the same to the Family Court, Chennai.

2. The respondent-husband has filed the above H.M.O.P.No.46 of 2016 under Section 13 (1) (i-a) of the Hindu Marriage Act on the file of the Family Court, Chengalpet for dissolution of marriage held between the petitioner and the respondent on 09.02.2015.

3. It is stated in the affidavit filed in support of the petition that the petitioner-wife is staying in Chennai and it would be easy for her to go and appear before the Family Court, Chennai. It is also stated that the respondent-husband used to engage the rowdy elements to attack the petitioner-wife in the Court premises. Hence, she sought for transfer.

4. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

5. Learned counsel appearing for the respondent-husband has got objections for transfer to the Family Court, Chennai, as the appearance of the parties in Family Court is mandatory and it would be difficult for him to appear for each and every hearing of the case.

6. Considering the arguments advanced on both sides and convenience of both the parties, this Court is of the view that H.M.O.P.No.46 of 2016 pending on the file of the Family Court, Chengalpet shall be transferred to the Sub Court, Tambaram, which would be convenient for both of them, as it is not mandatory for the parties to appear before the Sub Court, Tambaram. The appearance of the parties is dispensed with till the commencement of trial.

7. With the consent of both the learned counsels, H.M.O.P.No.46 of 2016 pending on the file of the Family Court, Chengalpet shall stand withdrawn and transferred to the file of the Sub Court, Tambaram. Considering the fact that the O.P. is pending from the year 2016 and the pleadings are also complete, the learned Sub Judge, Tambaram is directed to dispose of the said H.M.O.P.No.46 of 2016 as expeditiously as possible. Accordingly, the transfer civil miscellaneous petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

srn

To

1. The Judge, Family Court, Chengalpet
2. The Subordinate Judge, Tambaram

+1 CC to M/s.R. Sankarasubbu, Advocate sr 3073.

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KAN (CO)
SP (06/02/2018)