

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.436 of 2017
and
C.M.P.No.8929 of 2017

Vivetha . . . Petitioner/Respondent
versus
Vigneshwaran . . . Respondent/Petitioner

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw and transfer the O.P.No.1479 of 2017 from the file of III Additional Family Court, Chennai and to file the same on the file of the Sub Court, Devakottai, Sivagangai District.

For Petitioner : Mr.M.A.R.Pragash
For Respondent : Mr.S.T.Raja

O R D E R

The petitioner/wife in the matrimonial dispute has filed this transfer Civil Miscellaneous Petition seeking transfer of H.M.O.P.No.1479 of 2017, pending on the file of III Additional Family Court, Chennai to the file of Sub Court, Devakottai.

2. H.M.O.P.No.1479 of 2017 was filed by the respondent/husband under Section 10(i-a) of the Hindu Marriage Act, before the III Additional Family Judge, Chennai for dissolving the marriage between the petitioner and the respondent held on 02.03.2015 on the ground of cruelty.

3. It is stated in paragraph 5 of the affidavit filed in support of the petition that the petitioner/wife has got a small child and it would be difficult for her to travel to Chennai to attend the hearing, where the appearance of the parties is mandatory. Hence, the petitioner sought for the transfer from III Additional Family Court, Chennai to Sub Court, Devakottai.

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

5. The learned counsel for the respondent/husband stated that in view of the criminal proceedings initiated by the wife,

he lost his job and he is presently living in Bangalore. Considering the fact that the respondent also has to travel for each of the hearing from Bangalore to Sivagangai, while transferring H.M.O.P.No.1479 of 2017 from III Additional Family Court, Chennai to Sub Court, Devakottai the appearance of the respondent/husband is dispensed with till the commencement of the trial or otherwise his presence is warranted.

6. With the above observation, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.1479 of 2017, pending on the file of III Additional Family Court, Chennai shall stand withdrawn and transferred to the file of Sub Court, Devakottai. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

rsi

To

1. The III Additional Judge,
Family Court, Chennai.
2. The Sub Judge,
Devakottai, Sivagangai District.

+1cc to Mr.M.A.R.Pragash, Advocate SR.No.270
+1cc to Mr.S.T.Raja, Advocate SR.No.210

सत्यमेव जयते

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GJII(CO)
GN(06/02/2018)

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