

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.447 of 2017
and C.M.P.No.9120 of 2017

Mahalakshmi

... Petitioner

versus

K.S.Annadurai

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the petition in H.M.O.P.No.89 of 2016 on the file of Sub Court, Thirupathur, Vellore District and transfer the same to Hon'ble Principal Family Court at Chennai.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.R.Y.George Williams

O R D E R

The petitioner/wife is seeking transfer of H.M.O.P.No.89 of 2016 filed by the respondent/husband, pending on the file of Sub Court, Thirupathur to the file of Principal Family Court, Chennai.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. From the averments made in the petition, it is seen that the marriage between the petitioner and respondent was solemnized on 25.05.2014 at Chennai. The respondent/husband has filed H.M.O.P.No.89 of 2016 under Section 13(1)(i-a) of the Hindu Marriage Act, on the file of the Sub Court, Thirupathur for divorce. The petitioner/wife has filed M.C.No.163 of 2017 under Section 125 of Cr.P.C., on the file of the Principal Family Court, Chennai for maintenance and is also pending. It is averred in the affidavit that there is also a male child born out of their wed lock, who is presently with the petitioner/wife. Further it is stated that the petitioner is the permanent resident of Chennai and it would be difficult for her to travel about 500 kms from Chennai with her minor child to attend the hearing at Thirupathur. As the wife has already filed M.C.No.163 of 2017 on the file of Principal Family Court, Chennai, it will be easy for the

husband to travel to Chennai, if the H.M.O.P.No.89 of 2016 is transferred to Chennai, to be tried along with M.C.No.163 of 2017 filed by the wife.

4. However, the learned counsel for the respondent/husband has got no serious objection for the above transfer.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.89 of 2016, pending on the file of Sub Court, Thirupathur, Vellore District shall stand withdrawn and transferred to the file of Principal Family Court, Chennai, to be tried along with M.C.No.163 of 2017, which is already pending. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Sub Judge,
Thirupathur, Vellore District.

2. The Principal Family Judge,
Chennai.

+ 3 ccs to M/s. K. Kannan, Advocate SR.355

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SR(CO)
EU(03/02/2018)

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