

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2018

CORAM :

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.968 of 2017
and C.M.P.No.19388 of 2017

Yegammai @ Sangeetha

... Petitioner

Vs.

P.Adaikappan @ Senthil Kumar

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C praying to withdraw the H.M.O.P.No.89 of 2016 pending on the file of the Subordinate Court, Ponneri and transfer the same to the file of the Principal Judge, Family Court, Chennai.

For Petitioner : Mr.E.D.Sethupathi

For Respondent : Mr.L.Rajasekar

O R D E R

The wife in a matrimonial proceedings has filed the above transfer Civil Miscellaneous Petition seeking to withdraw the H.M.O.P.No.89 of 2016 pending on the file of the Subordinate Court, Ponneri and transfer the same to the file of Principal Judge, Family Court, Chennai.

2. The respondent-husband had filed the above H.M.O.P.No.89 of 2016 under Section 13 (1) (i-a) and 13(ii) of the Hindu Marriage Act on the file of the Sub Court, Ponneri for dissolution of marriage held between the petitioner and the respondent on 05.06.2000. The petitioner-wife had also filed H.M.O.P.No.2682 of 2017 under Section 9 of the Hindu Marriage Act on the file of the Family Court, Chennai for restitution of conjugal rights.

3. It is stated in the affidavit that the petitioner is residing at Velacherry, Chennai and also working in Chennai. She is unable to travel alone from Velacherry to Ponneri, which is almost 80 kms, to attend the hearings in H.M.O.P.No.89 of 2016. Further, it is stated that the respondent-husband threatened and insisted the petitioner to give divorce. He has also obstructed the petitioner in many ways from attending the Court. Hence, she sought for transfer.

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

5. The learned counsel appearing for the respondent/husband has got no serious objection for the said transfer.

6. Considering the submission made by the learned counsel for the petitioner and also in order to avoid conflict of decisions between the two cases and as the respondent has got no objection in transferring the petition to the Family Court, Chennai, this Tr.C.M.P is allowed and H.M.O.P.No.89 of 2016, pending on the file of the Subordinate Court, Ponneri shall stand withdrawn and transferred to the file of Family Court, Chennai, to be tried along with H.M.O.P.No.2682 of 2017, which is already pending. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Sub Judge, Ponneri

2. The Principal Judge, Family Court, Chennai

+1cc to Mr.C.Rajasekar, Advocate sr.10711

+1cc to Mr.E.D.Sethupathi, Advocate sr.11363

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cs(2/3/2018)