

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.975 of 2017  
and C.M.P.No.19787 of 2017

S. Anupriya

... Petitioner

versus

V. Rajesh

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw the case pending in F.C.O.P.No.155 of 2017 on the file of the Hon'ble Family Court, Chengalpattu and transfer the same to the file of the Hon'ble Principal Family Court or any of the Additional Family Courts I to VII at Chennai.

For Petitioner : Ms.K.Sumathi

For Respondent : Mr.V.R.Kamalanathan  
For Mr.K.S.Arumugam

O R D E R

The petitioner/wife in the matrimonial proceedings has filed this transfer petition seeking to withdraw F.C.O.P.No.155 of 2017 filed by the respondent/husband under Section 13(1)(i-a) of the Hindu Marriage Act for divorce, pending on the file of Family Court, Chengalpattu and transfer the same to the file of Principal Family Court or any of the Additional Family Courts I to VII at Chennai.

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

3. It is stated in paragraph 6 of the affidavit that the petitioner/wife has got a small child and it would be difficult for her to travel to Chengalpattu for each hearing as the Court in Chengalpattu is a Family Court, where the appearance of the parties is mandatory.

4. The learned counsel for the respondent vehemently contended that the transfer cannot be allowed, as the petitioner/wife had already filed a criminal proceedings against

him and it would be difficult for him to go to the Family Court for each hearing. Admittedly, the respondent/husband is an Assistant Professor at Prathyusha College of Engineering at Thiruvallur.

5. The petitioner/wife is residing in Kottur, Chennai and the respondent/husband is living in Madambakkam. As the O.P. has been filed in Family Court, Chengalpattu, if it is not transferred, both the parties have to travel to Chengalpattu from Chennai and the respondent/husband is also living in the outskirts of Chennai. Hence, with the consent of both the counsels, F.C.O.P.No.155 of 2017 is transferred to the file of Subordinate Court, Tambaram. Both the parties need not appear before the said Court for each hearing and their appearance is dispensed with, till the commencement of the trial.

6. Accordingly, the Transfer Civil Miscellaneous petition is disposed of by withdrawing F.C.O.P.No.155 of 2017, pending on the file of Family Court, Chengalpattu, and transferring the same to the file of Subordinate Court, Tambaram. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-  
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

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To

1. The Family Judge,  
Chengalpattu.

2. The Subordinate Judge,  
Tambaram.

+1 CC to Mr.K.S.Arumugam, advocate sr 16932.

+1 CC to Ms.K. Sumathi, advocate sr 16936

Tr.C.M.P. No.975 of 2017  
and C.M.P.No.19787 of 2017

SP(28/03/2018)