

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.215 of 2018
and C.M.P.No.5472 of 2018

K.Arun Prasad

... Petitioner

Vs.

Pandiselvi

... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.262 of 2016 pending on the file of the Sub Court, Sivakasi and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.J.Arokhiaaraj

For Respondent : No appearance

O R D E R

This petition is filed to withdraw H.M.O.P.No.262 of 2016 pending on the file of the Sub Court, Sivakasi and transfer the same to the file of the Family Court, Chennai.

2.The petitioner is the husband and respondent is the wife. The marriage between the petitioner and respondent was conducted on 04.09.2014. In the wedlock, a male child was born on 17.09.2015. Due to difference of opinion, both the petitioner and respondent were living separately. The petitioner filed H.M.O.P.No.262 of 2016 on the file of the Sub Court, Sivakasi, for divorce against the respondent.

3.According to the petitioner, now he is working in M/S.Global Health Care Billing Partners Pvt. Ltd., Ritherdon Road, Chennai and respondent is working in TCS, Thoraipakkam, Chennai and both of them are residing at Chennai. Hence, it will be convenient for both the parties to conduct the case before the Family Court, Chennai. In the circumstances, the petitioner has come out with present Tr.C.M.P. to transfer H.M.O.P.No.262 of 2016 pending on the file of the Sub Court, Sivakasi, to the file of the Family Court, Chennai.

4.Heard the learned counsel for the petitioner and perused the materials available on record. Notice sent to the respondent through Court was returned with an endorsement as 'refused'. This Court directed the Registry to print the name of the respondent in the cause list. Though the name of the respondent is printed in the cause list, there is no representation on behalf of her either in person or through counsel.

5.Considering the contention of the learned counsel for the petitioner that both the petitioner and respondent are working and residing at Chennai, for convenience of both the parties and in the interest of justice, the petition in H.M.O.P.No.262 of 2016 is ordered to be withdrawn from the file of the Sub Court, Sivakasi and transferred to the file of the Family Court, Chennai. The learned Subordinate Judge, Sivakasi, is directed to transmit all the records pertaining to H.M.O.P.No.262 of 2016 to the file of the Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

6.Accordingly, this Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Judge, Sivakasi.

2.The Judge, Family Court, Chennai.

+1cc to Mr.J.Arokhia Raj, Advocate sr.no.39362

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nr 11/07/2018