

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P.No.303 of 2018
and C.M.P.No.7685 of 2018

N.Kalyani @ Nithya ... Petitioner/Respondent
Vs.
M.Dhandapani ... Respondent/Petitioner

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.3249 of 2016 pending on the file of the Principal Family Court, Chennai and transfer the same to the file of Sub Court, Ambasamudhiram, Tirunelveli District.

For Petitioner : Mr.M.Ranjith Kumar
For Respondent : Mr.P.Manoj Kumar

O R D E R

The present Transfer Civil Miscellaneous Petition is filed by the wife/petitioner to transfer H.M.O.P.No.3249 of 2016 filed by the husband/respondent for divorce before the Principal Family Court, Chennai to Sub Court, Ambasamudhiram, Tirunelveli District on the ground that she is residing at a village near Tirunelveli and the distance between her village and Chennai is more than 400 Km. Being a lady, it will be very difficult for her to travel such a long distance to attend the Court proceedings at Chennai for each and every hearing.

2.When the Transfer Civil Miscellaneous Petition is taken up for hearing, the learned counsel for the respondent filed counter affidavit and denied all the allegations made against the respondent and submitted that for more than two years, the petitioner has not filed counter affidavit in H.M.O.P.No.3249 of 2016. The learned counsel for the respondent further submitted that the respondent has no objection to transfer the case to Sub Court, Ambasamudhiram, Tirunelveli District and made an endorsement to that effect. He also prayed for speedy disposal of H.M.O.P.No.3249 of 2016.

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

4. In view of the submission and endorsement so made by the learned counsel for the respondent, without deciding the issue on merits, the petition in H.M.O.P.No.3249 of 2016 pending on the file of the Principal Family Court, Chennai is ordered to be withdrawn and transferred to the file of the Sub Court, Ambasamudhram, Tirunelveli District. The learned Judge, Principal Family Court, Chennai is directed to transmit all the records pertaining to H.M.O.P.No.3249 of 2016 to the file of the Sub Court, Ambasamudhram, Tirunelveli District within a period of two weeks from the date of receipt of a copy of this order. On such transfer, the petitioner is directed to file counter affidavit in H.M.O.P.No.3249 of 2016 within a period of two weeks thereafter and on receipt of the records, the learned Subordinate Judge, Ambasamudhram, Tirunelveli District is directed to dispose of H.M.O.P.No.3249 of 2016 as expeditiously as possible, in any event not later than four months thereafter.

5. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS VII)

//True copy//

Sub Assistant Registrar

gsa

To

1. The Judge,
Principal Family Court,
Chennai.

2. The Subordinate Judge,
Ambasamudhram,
Tirunelveli District.

Tr.C.M.P. No.303 of 2018
and C.M.P.No.7685 of 2018

SKV (CO)
GN (29/06/2018)