

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. No.465 of 2018
and C.M.P.No.11709 of 2018

L.Ramya

... Petitioner

Vs.

M.Raja@Yesubalan

.... Respondent

Prayer:- Petition is filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.15 of 2018 pending on the file of the Sub Court, Pazhani and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.A.Praveen Kumar
For Respondent : Mr.C.Senapathi

O R D E R

This petition is filed to withdraw H.M.O.P.No.15 of 2018 pending on the file of Sub Court, Pazhani and transfer the same to the file of Family Court, Chennai.

2.The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was conducted on 05.12.2016 as per Hindu rites and customs. After marriage, both the petitioner and respondent were living together in the matrimonial home at Pazhani. After demise of the father of the petitioner, the respondent abandoned her and filed H.M.O.P.No.15 of 2018 on the file of Sub Court, Pazhani, for divorce on the ground of cruelty.

3.According to the petitioner, she is residing at Triplicane, Chennai along with her grandfather. The distance between Chennai and Palani is more than 485 kilometers and hence, it will be very difficult for her to travel such a long distance to attend the Court proceedings at Pazhani. Further, she is not having any independent income for her day-to-day expenses including travelling expenses. In the circumstances, the petitioner has come out with the present Tr.C.M.P. to transfer H.M.O.P.No.15 of 2018 pending on the file of the Sub Court, Pazhani, to the file of Family Court, Chennai and has made various allegations against the respondent.

allegations against the petitioner. According to the respondent, the petitioner is not residing at Triplicane and she has not approached this Court with clean hands. The learned counsel for the respondent submitted that without prejudice to his contentions on merits, the respondent has no objection to transfer the H.M.O.P. filed by him, pending on the file of Sub Court, Pazhani to Family Court, Chennai and prayed that his personal appearance may be dispensed with till commencement of trial.

5. Heard the learned counsel for the petitioner as well as the respondent and perused the materials available on record.

6. In view of the no objection stated by the learned counsel for respondent for transfer, without deciding the case on merits, this petition is ordered. Accordingly, the petition in H.M.O.P.No.15 of 2018 is ordered to be withdrawn from the file of the Sub Court, Pazhani and transferred to the file of Family Court, Chennai. The learned Subordinate Judge, Pazhani, is directed to transmit all the records pertaining to H.M.O.P.No.15 of 2018 to the file of Family Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order. The personal appearance of the respondent before the Family Court at Chennai is dispensed with till commencement of trial. The respondent is permitted to appear through an Advocate before the Family Court at Chennai and directed to appear for trial and as and when directed by the learned trial Judge.

7. Accordingly, the Transfer Civil Miscellaneous Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy//सत्यमेव जयते

Sub Assistant Registrar

To

1.The Subordinate Court, Pazhani.

2.The Judge, Family Court, Chennai.

+1cc to Mr.P.Anbarasan, Advocate SR.No.52282

+2cc to Mr.C.Senapathi, Advocate SR.No.53105 & 52279

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SMI/31.08.2018