

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

TRANSFER C.M.P.No.8 of 2018
and C.M.P.No.69 of 2018

P.Sangeetha

.. Petitioner

vs

J.Parthasarathy

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the petition in H.M.O.P.No.1893 of 2017 from the file of the learned VII Additional Family Court, Chennai and transfer the same to the file of the Sub-Court, Tindivanam.

For Petitioner ... Mr.T.S.Baskaran

For Respondent ... Mr.P.Muthusamy

O R D E R

This petition has been filed by the petitioner to withdraw the petition in H.M.O.P.No.1893 of 2017 from the file of the learned VII Additional Family Court, Chennai and transfer the same to the file of the Sub-Court, Tindivanam.

2.The learned counsel for the petitioner submitted that without advertng to the allegation made in the affidavit filed in support of H.M.O.P.No.1893 of 2017 seeking divorce, has stated that she is residing at 7/7, Perumal Kovil Street, Vellimedu Pettai, Tindivanam Taluk, Villupuram District and the petitioner cannot afford to spend money for travelling from Thindivanam to Chennai and other expenses as her father is a poor farmer and there is not much income from cultivation and she is not in a position to travel without the support of her parents. Therefore, this petition has been filed with the aforesaid prayer.

3.The learned counsel for the respondent submitted that the petitioner can very well appear before the Family Court, Chennai and to agitate the matter.

4.Heard, the submissions made by the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available available on record.

5.By considering the above facts of the case and the submissions made by the learned counsel for both sides, this Court is inclined to pass the following order:

"(i)H.M.O.P.No.1893 of 2017 is ordered to be withdrawn from the file of the learned VII Additional Judge, Family Court, Chennai and transferred to the file of Sub-Court, Tindivanam and the same shall be disposed of on merits and in accordance with law.

(ii)The learned VII Additional Judge, Family Court, Chennai is directed to transmit the entire records of H.M.O.P.No.1893 of 2017 to the file of Sub-Court, Tindivanam within a period of 15 days from the date of receipt of a copy of this order without fail.

(iii)The Transfer Civil Miscellaneous Petition is allowed with the above said directions. No costs. Consequently, connected miscellaneous petition is closed."

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cka

To

1.The VII Additional Judge, Family Court, Chennai

2.The Sub-Court,Tindivanam.

+1cc to Mr.P.Muthusamy, Advocate, S.R.No.16963

+1cc to Mr.T.S.Baskaran, Advocate, S.R.No.16762

Tr.C.M.P.No.8 of 2018

RRK(26/03/2018)