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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.829 OF 2018
AND CMP NO.20391 OF 2018 AND 5205 OF 2019

Kanimozhi ... Petitioner

Vs.

Balamurugan ... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw and transfer HMOP No.27 of 2017 from the file of learned Subordinate Judge, Chidambaram to Family Court, Chennai or any competent Court to try the same.

For Petitioner : Mr.E.Kandhan

For Respondent : No appearance

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw HMOP No.27 of 2017 pending on the file of Subordinate Court, Chidambaram to Family Court, Chennai.

2. The petitioner is the wife. The respondent / husband filed a petition for restitution of conjugal rights before the Subordinate Court, Chidambaram. The petitioner is a resident of Thiruvidamarudur Taluk, Thanjavur District.

3. From a perusal of the petition filed by the respondent/husband, it is seen that the petitioner had lodged a complaint from her present address viz., Virugambakkam, Chennai, as early as on 17.01.2017 itself. The averments made in the petition goes to show that the petitioner is residing at Chennai and employed in a school near Thiruverkadu.

4. Despite service of notice, the respondent has not chosen to enter appearance before this Court either in person or through Counsel.



5. Considering the physical hardship and inconvenience caused to the petitioner, this Court is inclined to transfer the case from Chidambaram to Chennai. Accordingly, HMOP No.27 of 2017 pending on the file of Subordinate Court, Chidambaram is withdrawn and transferred to the Family Court, Chennai. The learned Judge, Family Court, Chennai, is directed to renumber the petition; issue notice to both the parties and continue the proceedings from the stage where it stands and dispose of the same, as expeditiously as possible.

6. The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Subordinate Judge
Chidambaram.
2. The Judge
Family Court, Chennai.

+1 cc to Mr.E.Kandhan, Advocate, S.R.No.41682

TR.CMP.NO.829 OF 2018

PA(CO)
SSM(27/06/2019)