

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.27 of 2019
and
C.M.P.No.1169 of 2019

S.Sudha

... Petitioner

Vs.

B.Lenin Selvanayagam

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw and transfer the petition for divorce H.M.O.P.No.177 of 2018 filed by the respondent and pending on the file of the Family Court, Tirunelveli to the file of the Sub-Court, Poonamallee to be tried along with H.M.O.P.No.880 of 2018.

For Petitioner : Mr.Ajoy Kumar Gnanam

For Respondent : M/s.A.Arulmozhi

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of H.M.O.P.No.177 of 2018 filed by the respondent pending on the file of the Family Court, Tirunelveli to the file of the Sub-Court, Poonamallee to be tried along with H.M.O.P.No.880 of 2018. सत्यमेव जयते

2. Respondent/husband filed a petition for divorce on the file of Family Court, Tirunelveli. The petitioner/wife filed a petition for restitution of conjugal rights before the Sub-Court, Poonamallee.

3. The petitioner/wife was born and brought up in Chennai and residing at Chennai. She finds it difficult to travel 600Kms from Chennai to Tirunelveli to attend the hearing before the Family Court, Tirunelveli. It also causes physical and financial hardship to the petitioner/wife. Hence, on these grounds, she seeks transfer of the divorce petition filed by her husband before the Family Court, Tirunelveli to the file of Sub-Court,

Poonamallee to be tried along with petition filed by her for restitution of conjugal rights.

4. Controverting the facts, the respondent would contend that the entire cause of action arose within the jurisdiction of Tirunelveli Court where the marriage was solemnized and lived together as husband and wife. The petitioner/wife moved to Chennai only for the purpose of dragging him to Chennai and to harass him and that the transfer Civil Miscellaneous Petition filed by the petitioner/wife has to be dismissed.

5. Considering the rival contention and from the material produced before this Court, it is seen that the petitioner/wife is brought up in Chennai from her school days till completion of Post Graduate she continues to live in Chennai.

6. Considering the mental and physical hardship and inconvenience caused to the petitioner/wife, this Court is inclined to transfer the divorce petition filed by the respondent/husband to Chennai. Further it is seen that the respondent/husband is working at Coimbatore. In such circumstances, it will be convenient to both the parties to contest the case at Chennai which is near to the petitioner's resident.

7. Accordingly, H.M.O.P.No.177 of 2018 on the file of Family Court, Tirunelveli and H.M.O.P.No.880 of 2018 pending on the file of Sub-Court, Poonamallee is withdrawn and transferred to the file of Principal Judge, Family Court, Chennai. The Family Court, Tirunelveli as well as the Sub-Court, Poonamallee are directed to transfer the respective HMOP's to the file of Principal Judge, Family Court, Chennai. On receipt of these records, the Principal Judge Family Court, Chennai is directed to renumber the same and issue fresh notice to the parties.

8. The Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

bri

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

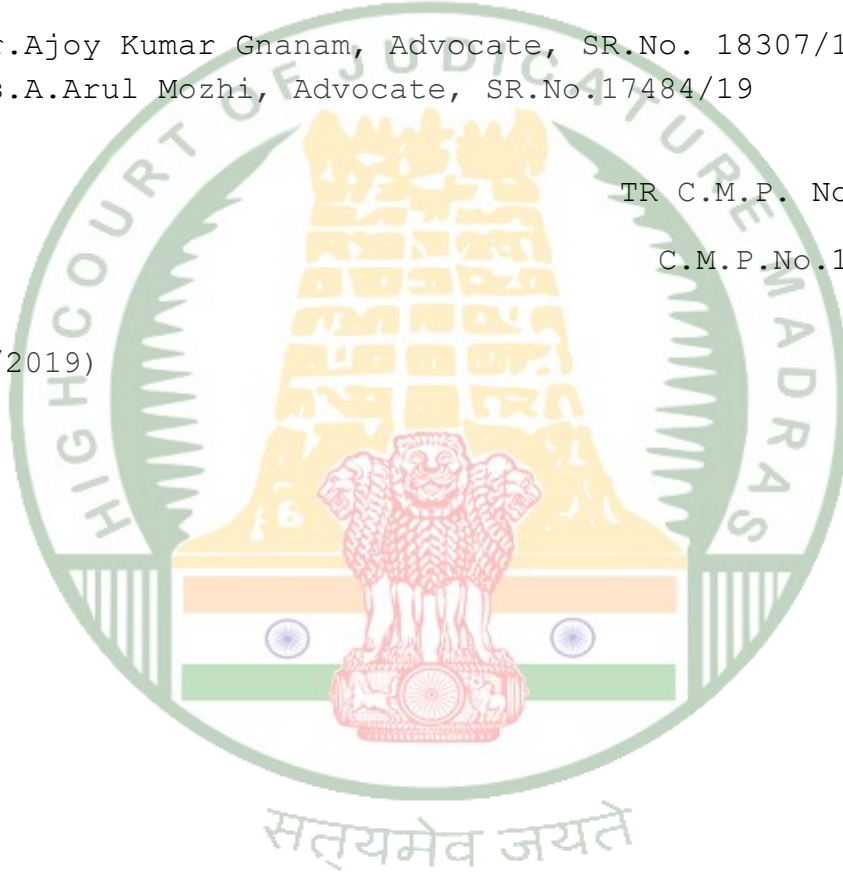
1. The Family Court,
Tirunelveli.
2. The Sub-Court,
Poonamallee.
3. The Principal Judge,
Family Court, Chennai.

+1cc to Mr.Ajoy Kumar Gnanam, Advocate, SR.No. 18307/19

+1cc to Ms.A.Arul Mozhi, Advocate, SR.No.17484/19

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SSV(CO)
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