

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.79 of 2019
and
C.M.P.No.2961 of 2019

Sathya ... Petitioner

Vs.

Mohanasundaram ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 (2) of C.P.C., to withdraw the HMOP.No.194 of 2018 on the file of the Hon'ble Family Court, Cuddalore and transfer the same, tired along with HMOP.No.171 of 2017 on the file of the Hon'ble Sub Court, Perambalur.

For Petitioner : Mr.K.Sanjay

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the HMOP.No.194 of 2018 on the file of the Family Court, Cuddalore and transfer the same, tired along with HMOP.No.171 of 2017 on the file of the Sub Court, Perambalur.

2. Respondent and petitioner are husband and wife. The respondent/husband filed a petition in HMOP.No.194 of 2018 for divorce before the Family Court, Cuddalore. The petitioner/wife is the resident of Perambalur. She also filed a petition in HMOP.No.171 of 2017 for restitution of conjugal rights before the Sub Court, Perambalur. She finds it very difficult to travel from Perambalur to Cuddalore for every hearing. Therefore, on the grounds of physical and mental hardship, she seeks transfer of the case pending before the Family Court, Cuddalore to Sub Court, Perambalur. Even in the divorce petition filed by the respondent/husband it is seen that certain averments with regard to health condition of the respondent/wife, which shows that she is not in a fit position to travel.

3. Considering the physical and mental hardship caused to the petitioner/wife and on the basis of the averments made in the petition filed by the respondent/husband, this Court is inclined to transfer the HMOP.No.194 of 2018 on the file of the Family Court, Cuddalore filed by the husband to the file of Sub Court, Perambalur.

4. Accordingly, the HMOP.No.194 of 2018 pending on the file of Family Court, Cuddalore is withdrawn and transferred to the file of Sub Court, Perambalur to be tried along with HMOP.No.171 of 2017.

5. The Transfer Civil Miscellaneous Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Family Court,
Cuddalore.

2.The Sub Court,
Perambalur.

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