

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR C.M.P. No.139 of 2019
and
C.M.P.No.4738 of 2019

G.Sivaranjani ... Petitioner

Vs.

P.Saravanan ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.134 of 2015 which is pending before the Family Court, Trichy and transfer the same to the Principal Family Court, Chennai to be heard along with H.M.O.P.No.2103 of 2015 pending on the file of the Principal Family Court, Chennai.

For Petitioner : Mr.Auxilia Peter

For Respondent : Mr.Dr.S.S.Swaminathan

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking transfer of H.M.O.P.No.134 of 2015 pending on the file of Family Court, Trichy to the file of Principal Family Court, Chennai to be heard along with H.M.O.P.No.2103 of 2015 pending on the file of the Principal Family Court, Chennai.

2. The respondent and petitioner are husband and wife. The petitioner/wife filed a petition for restitution of conjugal rights in H.M.O.P.No.2103 of 2015 before Family Court, Chennai. The respondent/husband filed a petition for divorce in H.M.O.P.No.134 of 2015 before Family Court, Tiruchirapalli. The petitioner/wife is facing physical hardship to travel from Chennai to Tiruchirapalli and hence, she seeks transfer.

3. The respondent/husband filed a counter stating that the petitioner's father had shifted to Chennai unable to withstand the pressure of his creditors. Further certain allegations are made against the wife of her mental and health conditions.

4. Considering the facts and circumstances, this Court is of the considered view that the divorce petition filed by the husband can be transferred to a place closer to the residence of the petitioner/wife. As such, the Sub Court, Tambaram will be the convenient place for the petitioner/wife.

5. Accordingly, by consent, H.M.O.P.No.2103 of 2015 pending on the file of Family Court, Chennai and H.M.O.P.No.134 of 2015 pending on the file of Family Court, Trichy are withdrawn and transferred to the file of Sub Court, Tambaram.

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

-sd-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

bri

To

1.The Judge,
Family Court, Chennai.

2.The Judge,
Family Court, Trichy

3.The Judge,
Sub Court, Tambaram.

+1 CC to M/S.Dr.S.S.SWAMINATHAN Advocate SR.NO.41646

+1 CC to M/S.AUXILIA PETER Advocate SR.NO.42195

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cm 20/06/2019