

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.103 OF 2019
AND CMP NO.3709 OF 2019

M.Thiyagarajan ... Petitioner

Vs.

G.Muthuselvi ... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw the petition in HMOP No.3 of 2016 from the file of Sub Court, Tambaram and to transfer the same to any other Court of equal jurisdiction for disposal on merits after giving fair hearing.

For Petitioner : Mr.S.Prabhakaran
Senior Counsel
for Mr.S.Conscious Ilango

For Respondent : No appearance

ORDER

This Transfer Civil Miscellaneous Petition is filed by the petitioner/husband seeking to withdraw HMOP No.3 of 2016 from the file

of Sub Court, Tambaram and transfer the same to any other Court of equal jurisdiction.

2. The petitioner is the husband. He filed a petition for declaring the marriage solemnised between him and the respondent / wife as null and void on the ground of non-consummation. He filed a revision petition before this Court in CRP (PD) No.1468 of 2018 for speedy disposal of the case and this Court, by its order dated 27.06.2018, directed the Trial Court to complete the proceedings within a period of four months from the date of receipt of a copy of this order. In the meanwhile, the respondent/wife filed an interlocutory application to return the articles and to pay maintenance and litigation expenses. It is stated that the Trial Court, in order to comply with the directions issued by this Court, without considering the documents produced by the petitioner, trying to pass orders without providing opportunity of personal hearing and therefore, he seeks transfer of the petition to any other Court having equal jurisdiction.

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3. Learned Senior Counsel appearing for the petitioner would submit that he is not pressing on the allegations made, but in order to get a fair trial, he seeks transfer of the case.

4. On notice, the respondent entered appearance through counsel, but there is no representation.

5. Considering the convenience of the parties, this Court is inclined to transfer the petition filed by the petitioner/husband to Principal Family Court, Chennai. Accordingly, HMOP No.3 of 2016 pending on the file of Sub Court, Tambaram is withdrawn and transferred to the Principal Family Court, Chennai. The learned Principal 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 petition is closed.

सत्यमेव जयते

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Index : Yes/No
Internet : Yes/No
Speaking / Non-speaking order
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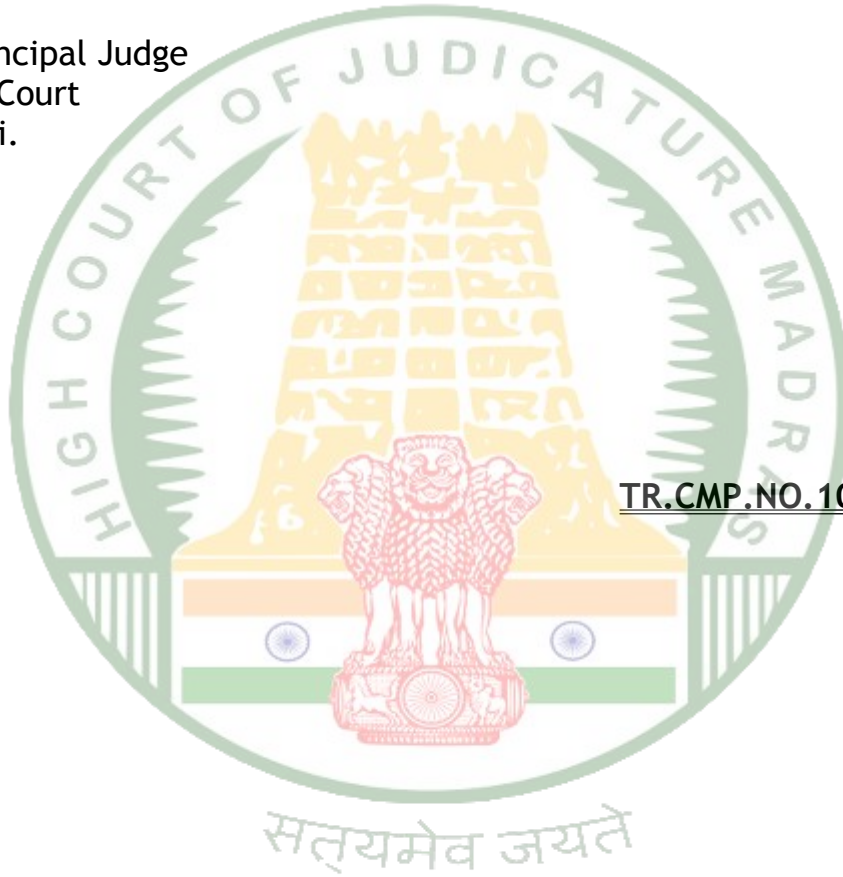
M.GOVINDARAJ, J.

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To

1.The Sub Court
Tambaram.

2.The Principal Judge
Family Court
Chennai.



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