

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.130 of 2019
and C.M.P.No.4460 of 2019

S.Sushmitha

... Petitioner/Respondent

-vs-

M.G.Jagatheswar Rao

... Respondent/Petitioner

Prayer:

Petition filed under Section 24 of C.P.C to withdraw and transfer H.M.O.P.No.152 of 2018 from the file of the Sub Court at Tambaram to the file of the 1st Additional Family Court, Chennai or any competent Court to try the same.

For Petitioner : Mr.I.Arokiasamy

For Respondent : Mr.S.Yudhish Padman

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.152 of 2018 pending on the file of the Sub Court, Tambaram to the file of the 1st Additional Family Court, Chennai, where the petitioner has filed M.C. No.486 of 2018 claiming maintenance under Section 125 of Cr.P.C.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 26.10.2015, as per Hindu rites and customs and out of the wedlock, a female child namely Dhanyah was born on 30.12.2016. Due to matrimonial disputes arose between themselves, the respondent has filed H.M.O.P. No.152 of 2018 before the Sub Court, Tambaram seeking divorce making false allegations against the petitioner. However, the petitioner filed Maintenance Case in M.C. No.486 of 2018 on the file of the 1st Additional Family Court, Chennai under Section 125 of Cr.P.C. According to the learned counsel appearing for the petitioner, as the petitioner has been residing at K.K.Nagar, Chennai, she finds it difficult to go to Tambaram to attend the hearing of

H.M.O.P. No.152 of 2018 before the Sub Court, Tambaram along with the female child. Since the respondent has attended the hearing on 21.02.2019 for counselling before the 1st Additional Family Court, Chennai, the H.M.O.P. No.152 of 2018 filed by the respondent may be transferred to the file of the 1st Additional Family Court, Chennai.

3.Learned counsel appearing for the respondent would submit that the petitioner is residing at K.K.Nagar, Chennai and the distance between K.K.Nagar and Tambaram is 19 k.ms. Whereas the distance between the 1st Additional Family Court, Chennai and the residence of the petitioner is only 16 k.ms, but the time to be taken for travelling to both the places are one and the same.

4.Since the petitioner has filed M.C. No.486 of 2018 before the 1st Additional Family Court, Chennai and it was also posted for counselling on 21.02.2019, wherein the respondent has also appeared, this Court deems it fit to transfer the H.M.O.P. No.152 of 2018 from the file of the Sub Court, Tambaram to the file of the 1st Additional Family Court, Chennai. Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P. No.152 of 2018 pending on the file of the Sub Court, Tambaram is withdrawn and transferred to the file of the 1st Additional Family Court, Chennai.

5.The 1st Additional Family Court, Chennai is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.4460 of 2019 is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Sub Court, Tambaram.
2. The 1st Additional Family Court, Chennai.

+1cc to Mr.I.Arokiasamy, Advocate, S.R.No.51529

Tr.C.M.P.No.130 of 2019
and C.M.P. No.4460 of 2019

CA(CO)
CS/22/08/2019