

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.140 OF 2019
AND CMP NO.4750 OF 2019

Chitra ... Petitioner
Vs.

K.Venkatesan ... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw HMOP No.4 of 2019 from the file of the learned Sub Court, Tiruttani and to transfer the same to the learned Family Court, High Court Campus.

For Petitioner : Mr.M.Jai Ganesh

For Respondent : Mr.N.Muthukumaran

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw HMOP No.4 of 2019 pending on the file of the Subordinate Court at Tiruttani and transfer the same to Family Court, Chennai.

2. The petitioner is the wife. The respondent / husband filed a petition for divorce before the Sub Court, Tiruttani. Even in the petition filed by the respondent / husband for divorce, it is seen that the petitioner / wife is a resident of Thiruvottiyur, Chennai.

3. The respondent / husband claims that he is employed as a Revenue Inspector at Tiruvallur and he used to travel from Tiruttani to Tiruvallur everyday. If the matter is transferred to Family Court, Chennai, it will be very difficult for him to appear for all the hearings. Therefore, he seeks that the case may be transferred to Tiruvalur.

4. I have considered the submissions made on either side.

5. It is a admitted fact that even in the petition filed by the respondent / husband for divorce the address of service of the petitioner / wife was shown as Tiruvottiyur, Chennai. Therefore, considering the convenience of the parties, H.M.O.P.No.4 of 2019 pending on the file of Sub Court, Tiruttani is withdrawn and transferred to the Principal Judge, Family Court, Chennai. The learned Principal Judge, Family Court, Chennai is directed to renumber the petition; issue notice to the parties and dispose of the same as expeditiously as possible.

6. Considering the employment of the respondent/husband, his personal appearance for the ineffective dates of hearing is dispensed with. It is also made clear that he has to present himself for counselling and mediation. If at all he requires any further orders about his personal appearance, he can approach the Family Court, Chennai by filing proper application.

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

TK

To

1.The Sub Court, Tiruttani.

2.The Principal Judge
Family Court, Chennai.

+1cc to Mr.M.Jaiganesh, Advocate SR.No.28451

+1cc to Mr.N.Muthukumaran, Advocate SR.No.27826

TR.CMP.NO.140 OF 2019

BS (CO)
GMY (31/05/2019)