

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2019

CORAM

THE HONOURABLE MR.JUSTICE **T.RAJA**

Tr. C.M.P. No.237 of 2019
and C.M.P. No.7069 of 2019

G.Palani

... Petitioner

-vs-

V.Bhavani

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw F.C.O.P. No.104 of 2017 on the file of the Family Court, Chengalpattu and transfer the same to the file of Family Court, Chennai.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : Mr.A.Panneerchelvam

ORDER

The Transfer C.M.P. has been filed to transfer the F.C.O.P. No.104 of 2017 pending on the file of the Family Court, Chengalpattu to the file of the Family Court, Chennai.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 23.06.2016 at Shri Krishna Mahal, Guduvanchery. After the said marriage, due to escalation of disputes between both of them, the petitioner filed F.C.O.P. No.104 of 2017 before the Family Court,

Chengalpet to dissolve the marriage solemnised between them. When the petitioner came to attend the proceedings on 06.02.2019, the respondent along with other persons abused with filthy language and in this regard, an F.I.R. was registered in Crime No.126 of 2019 before the Chengalpattu Town Police Station for the said offence against the respondent. According to the learned counsel appearing for the petitioner, at the time of initiating F.C.O.P., the petitioner resided at Kancheepuram and thereafter, he has shifted to Chennai, as the health condition of his parents is not good and they are undergoing continuous treatment in Chennai. Therefore, the petitioner has been advised to file the present petition.

3.Learned counsel appearing for the respondent would submit that since the other cases namely, M.C. No.34 of 2017 seeking maintenance and D.V.C. No.1 of 2018 filed by the respondent are pending on the file of the Chief Judicial Magistrate, Chengalpattu and the Mahila Court, Chengalpattu, without even taking steps to transfer the said two cases mentioned supra, the prayer in the petition to transfer the F.C.O.P. No.104 of 2017 pending on the file of the Family Court, Chengalpattu to the Family Court, Chennai is totally misconceived. This apart, the respondent has been attending the hearing of the above F.C.O.P.

4.I also find merits on the submission made by the learned counsel appearing for the respondent. When the two cases mentioned supra are pending on the file of the Chief Judicial Magistrate, Chengalpattu and the Mahila Court, Chengalpattu, the prayer in the petition seeking transfer of the F.C.O.P. alone is thoroughly misconceived. This Court, finding no merits in the petition, is inclined to dismiss the petition. Accordingly, the Transfer C.M.P. is dismissed. No costs. Consequently, C.M.P. No.7069 of 2019 is closed.

04.06.2019

Index : Yes/No
vga

To

1.The Family Court,
Chengalpattu.

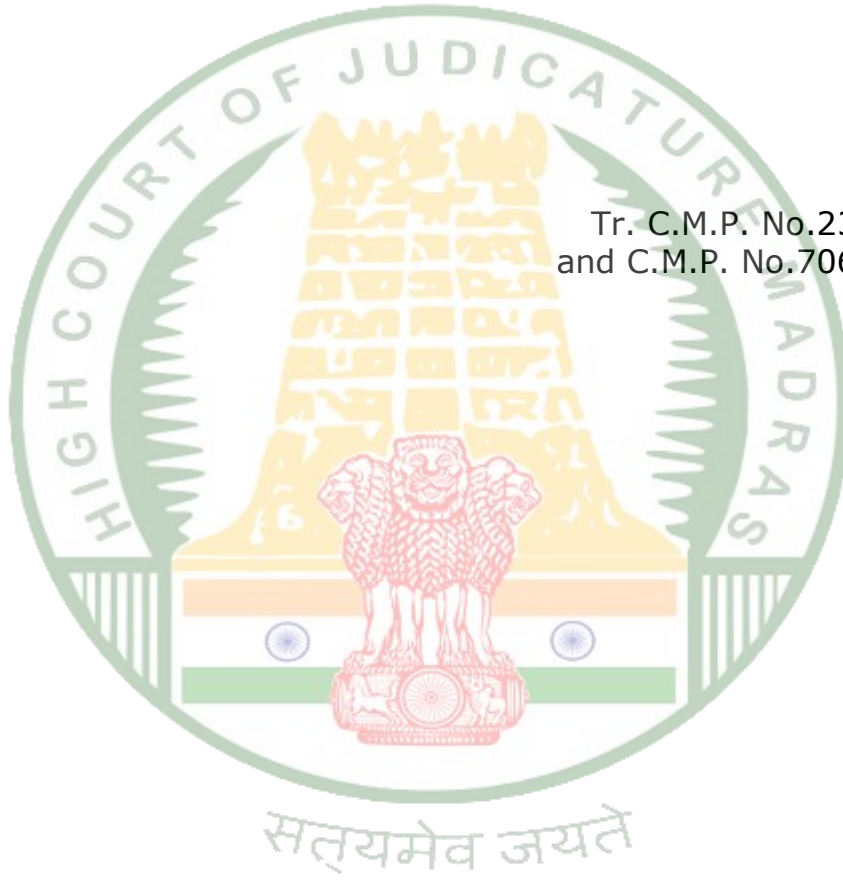
2.The Family Court,
Chennai.

सत्यमेव जयते

WEB COPY

T.RAJA,J.

vga



Tr. C.M.P. No.237 of 2019
and C.M.P. No.7069 of 2019

WEB COPY

04.06.2019