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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.328 of 2019

Mrs.Radha
W/o Senthil Kumar

... Petitioner/Petitioner

-vs-

Mr.Senthil Kumar
S/o late Loganathan

... Respondent/Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the suit in H.M.O.P.No.118 of 2017 from the file of the learned Subordinate Court at Tiruvannamalai to the file of the Principal Family Court at Chennai to try the same.

For Petitioner :: Mr.V.Giri Shankar

For Respondent :: Mr.J.Franklin

ORDER

The petitioner, being the wife of the respondent, has come to this Court seeking a prayer for withdrawal of the pending H.M.O.P.No.118 of 2017 from the file of the Sub Court, Tiruvannamalai and to transfer the same to the Principal Family Court, Chennai.

2. Learned counsel for the petitioner submitted that after the marriage was solemnized on 21.6.2012 between the parties at Unnamalai Amman Thirumana Mandapam, Tiruvannamalai as per the Hindu rites and customs and they were also blessed with one girl child, who is aged about 6 years now, due to difference of opinion, the petitioner also filed a domestic violence case on the file of the learned Chief Judicial Magistrate, Tiruvannamalai and a memo has also been filed by the petitioner's counsel stating that now steps are taken for transfer of the said case in D.V.C.No.8 of 2017 to the Principal Family Court at Chennai. Therefore, the H.M.O.P.No.118 of 2017 filed by the respondent-husband for divorce may be withdrawn and transferred to the Principal Family Court at Chennai so that the petitioner will be able to appear before the Court along with



the girl child aged about 6 years. The learned counsel for the petitioner also stated that the petitioner is prepared to agree with the prayer for restitution of conjugal rights and opposing the prayer for divorce.

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3. A detailed counter affidavit has been filed by the respondent primarily mentioning that the activities and attitude of the petitioner had turned from bad to worse. Therefore, the H.M.O.P.No.118 of 2017 has been filed before the Sub Court, Tiruvannamalai against the petitioner for dissolution of marriage on the ground of cruelty.

4. In view of the above, this Court, taking note of the fact that the petitioner is having a six year old girl child and it will be difficult for her to undertake a long journey of about 200 kms., with the child from Chennai to Tiruvannamalai, is inclined to accept the prayer of the petitioner. Accordingly, the H.M.O.P.No.118 of 2017 is withdrawn from the file of the Sub Court, Tiruvannamalai and transferred to the file of the Principal Family Court at Chennai for an expeditious disposal on merits. Tr.C.M.P.No.328 of 2019 stands allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge,
Tiruvannamalai.
2. The Principal Family Court Judge,
Chennai .

+1cc to Mr.J.Franklin, Advocate Sr.60648

Tr.C.M.P.No.328 of 2019

rv[co]
srg 27/08/2019