

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.387 of 2019
and C.M.P. No.10685 of 2019

M.Lakshmi

... Petitioner/
Respondent

-vs-

D.Krishnamoorthy

... Respondent/
Petitioner

Prayer: Petition filed under Section 24 of C.P.C to withdraw the O.P.No.3948 of 2018 pending on the file of I additional Family Court, Chennai and transfer the same to Subordinate Court, Cheyyar.

For Petitioner : Mr.K.T.S.Sivakumar
For Respondent : D.Daniel Ambrose

O R D E R

Mrs.M.lakshmi W/o D. Krishnamoorthy has filed the present petition, seeking to withdraw OP No.3948 of 2018, pending on the file of I Additional Family Court, Chennai and transfer the same to Subordinate Court, Cheyyar.

2. The learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 08.09.2017 at Hari Marriage Hall, Vadapalani, Chennai as per Hindu Rites and Customs. Subsequently, due to misunderstanding between them, respondent/husband filed a petition in OP No.3948 of 2018 before the I Additional Family Court, Chennai under Section 13(1)(i-a) of the Hindu Marriage Act for divorce. The learned counsel would further submit that the petitioner is residing at Thiruvannamalai and is having one year old girl child and it is very difficult for her to travel from Thiruvannamalai to Chennai along with one year old child and therefore filed the present petition, seeking for the above relief.

3. The learned counsel for the respondent would submit

that although the matter was referred before the Mediation and Conciliation Centre, High Court, Madras for amicable settlement, the respondent refused to accept the proposal for re-union and thereafter, requested the counsel not to appear as he is going to change the counsel.

4. When the matter is referred for Mediation and Conciliation Centre and since no settlement has been arrived at between the parties at the Mediation Centre, the matter has to be taken on merits.

5. Since the petitioner is having one year old child, it may not be possible for her to undertake long journey at about 150 km from Cheyyar to Chennai. Considering the welfare of the child and also the convenience of the petitioner, this court is inclined to transfer O.P.No.3948 of 2018 pending on the file of I Additional Family Court, Chennai.

6. Accordingly, the Tr. C.M.P. is allowed and the O.P.No.3948 of 2018 pending on the file of I Additional Family Court, Chennai is withdrawn and transferred to the file of the Subordinate Court, Cheyyar.

7. The I Additional Family Court, Chennai is directed to send entire records relating to OP No.3948 of 2018 to the Subordinate Court, Cheyyar and the learned Subordinate Judge, Cheyyar is directed to dispose of OP No.3948 of 2018 expeditiously in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sr

To
1.I Additional Family Court, Chennai
2.The Subordinate Court, Cheyyar

+1cc to Mr.K.T.S.Sivakumar, Advocate, S.R.No.67936

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VBA(CO)
CS/30/09/2019