

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.490 of 2019

Ezilarasi

W/o S.Magesh Kumar

.. Petitioner / Respondent

-vs-

S.Magesh Kumar

.. Respondent / Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the O.P.No.2222 of 2019 on the file of IV Additional Family Court, Chennai and to transfer the same to the file of Subordinate Court, Hosur.

For Petitioner :: Mr.C.Prabakaran

For Respondent :: No appearance

ORDER

Mrs.Ezilarasi, the petitioner herein, Wife of Mr.S.Magesh Kumar, the respondent herein, having married him on 15.9.2013 at 'Shree Kalikambal Kamteswara Devasthanam' situate at No.212, Thambu Chetty Street, Chennai as per the Hindu rites and customs in the presence of the family members of both sides, has been blessed with a female child, namely, Keerthika.M on 23.7.2014. Since the respondent/husband has filed O.P.No.2222 of 2019 before the IV Additional Family Court, Chennai seeking divorce on the ground mentioned under Section 13(1)(ia) of the Hindu Marriage Act, 1955 with false and frivolous allegations against the petitioner, as he is a businessman and earning a reasonable income and leading a luxurious life, the petitioner is not in a position to undertake a long journey from Hosur to Chennai and vice versa along with the female child, which is about 600 kms. Therefore, she has been advised to come to this Court seeking to withdraw the O.P.No.2222 of 2019 pending on the file of IV Additional Family Court, Chennai and to transfer the same to the Sub Court at Hosur.

2. None appeared for the respondent.

3. As the petitioner is having a female child, namely, Keerthika.M born on 23.7.2014, it will be very difficult to undertake a long journey from Hosur to Chennai and vice versa of about 600 kms. Therefore, this Court is inclined to accept the prayer of the petitioner. Accordingly, O.P.No.2222 of 2019 is withdrawn from the file of the IV Additional Family Court, Chennai and transferred to the Sub Court, Hosur for expeditious disposal. The transfer civil miscellaneous petition is allowed. Consequently, C.M.P.No.13681 of 2019 stands closed.

Sd/-
Deputy Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

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To

1. The IV Additional Family Court Judge
Chennai

2. The Subordinate Judge
Hosur

+1 cc to M/s.Nathan @ Association, Advocate, S.R.No.66070

+1 cc to Mr.C.Prabakaran, Advocate, S.R.No.65784

SSD(CO)
SSM(13/09/2019).

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सत्यमेव जयते
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