

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P.NO.739 OF 2019

AND

C.M.P.NO.20745 OF 2019

M.Sharmila

... Petitioner

Vs.

G.Venkatesan

... Respondent

PRAYER:

Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw the H.M.O.P.No.7 of 2019 filed by the respondent on the file of Subordinate Court at Maduranthakam and transfer to any Family Court, Chennai.

For Petitioner : Mr.K.Jayaraman

For Respondent : Mr.M.Murugan

O R D E R

The petitioner/wife filed the present transfer civil miscellaneous petition seeking to withdraw H.M.O.P.No.7 of 2019 filed by the respondent / husband before the Subordinate Court, Maduranthakam and transfer the same to any one of the Family Court, Chennai.

2. The case of the petitioner/wife is that she got married to the respondent on 09.02.2012 at P.Sakunthala Marriage Hall, Aalanthur Village Koot Road Tindivanam Taluk (Now Marakkananam Taluk), Villupuram District. Petitioner is taking care of herself, she has financial constraints and hence, she finds it difficult to travel to Maduranthakam. She further stated that the Court is 70kms away from her residence and also feels threat to her life by the respondent / husband. Submitting as above, she seeks transfer of the case to any other Family Court, Chennai.

3. The learned counsel for the respondent/husband filed a counter stating that only to give mental agony the petitioner/wife filed the present petition. He further stated that the

petitioner/wife's mother is working in anganvaadi, which is a Government organization and her brother is also working in a private company and he denies the allegation.

4. In view of the above and also in view of the Supreme Court decision that the matter to be heard before the Court, where the wife is residing, this Court is inclined to allow the transfer civil miscellaneous petition filed by the petitioner/wife. It is also seen from the reply to the legal notice that she had no intention of testing the husband and she wants to live with her husband. The parties can also appear before the Mediation Centre before the Family Court, Chennai, when the matter is posted, so that they can try for settlement.

Accordingly, the transfer civil miscellaneous petition is allowed and the proceedings in H.M.O.P.No.7 of 2019 pending on the file of Subordinate Court, Maduranthakam is withdrawn and transferred to the file of Family Court, Chennai. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bri

To

1. The Subordinate Court,
Maduranthakam.
2. The Family Court, Chennai.

+1cc to Mr.K.Jayaraman, Advocate, S.R.No.92791

TR.C.M.P.No.739 of 2019
and
C.M.P.No.20745 of 2019

SJ(CO)
CS/31/12/2019

WEB COPY