

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.No.695 of 2018

and

C.M.P.No.17313 of 2018

Suganya

... Petitioner

Vs.

Vinoth

.... Respondent

PRAYER: Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw the H.M.O.P.No.232 of 2018 pending on the file of Sub Court of Tambaram and transfer the same to the Family Court, Salem and tried along with F.C.O.P.No.320 of 2018 pending before the Family Court at Salem.

For petitioner : Mr.C.Rajasekaran

O R D E R

This petition is filed by the petitioner seeking to withdraw H.M.O.P.No.232 of 2018 pending on the file of Sub Court of Tambaram and transfer the same to Family Court, Salem to be tried along with F.C.O.P.No.320 of 2018 pending before the Family Court at Salem.

2. The petitioner is the wife. The respondent / husband filed a petition in H.M.O.P.No.232 of 2018, for divorce, before the Sub Court, Tambaram. The petitioner / wife also filed a petition in F.C.O.P.No.320 of 2018 for restitution of conjugal rights, before Family Court, Salem. The petitioner is residing at Dharmapuri District and the petition filed by the respondent / husband for divorce also reveals the address of the petitioner at Dharmapuri. Now, the petitioner finds it very difficult to travel from Dharmapuri to Tambaram to attend the case at Sub Court, Tambaram. Therefore, she seeks transfer of H.M.O.P.No.232 of 2018 filed by the respondent / husband from Sub Court, Tambaram to Family Court, Salem, on the grounds of physical and financial hardship.

3. Despite service of notice, the respondent has not chosen to appear before this Court either in person or through counsel.

4. Considering the physical and financial hardship caused to the petitioner, this Court is inclined to transfer the case from Sub Court, Tambaram to Family Court, Salem.

5. Accordingly, H.M.O.P.No.232 of 2018 pending on the file of Sub Court, Tambaram is withdrawn and transferred to Family Court, Salem to be tried along with F.C.O.P.No.320 of 2018 pending on the file of the same Court. The learned Judge, Family Court, Salem is directed to renumber the petition, issue notice to the parties and dispose of the case as expeditiously as possible.

6. The Transfer Miscellaneous Petition is ordered accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge,
Tambaram.

2.The Judge,
Family Court,
Salem.

+1cc to Mr.C.Rajasekaran, Advocate Sr.23488

Tr.CMP.No.695 of 2018
and
C.M.P.No.17313 of 2018

vj-Ii[co]
srg 23/05/2019