

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.02.2019

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.No.861 of 2018
and
CMP.No.21299 of 2018

M.Uma Maheshwari

... Petitioner

Vs.

S.Ekambaram @ Sudhakar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of the Civil Procedure Code, praying to withdraw the H.M.O.P.No.144 of 2018 pending on the file of the Family Court at Thiruvallur and transfer the same to the Sub Court, Kanchipuram.

For petitioner : Mr.R.Bhagawat Krishna

For respondent : Mr.A.Arunbabu

O R D E R

This application is filed by the petitioner seeking to withdraw H.M.O.P.No.144 of 2018 pending on the file of the Family Court at Thiruvallur and transfer the same to the Sub-Court, Kanchipuram.

2. The petitioner is the wife. The husband / respondent filed a divorce petition in H.M.O.P.No.144 of 2018 before the Family Court, Thiruvallur. A Perusal of the documents would go to show that the petitioner / wife resides along with her parents at Kanchipuram. Since the respondent / husband filed the petition before the Family Court, Thiruvallur, she has to travel along with her aged parents, for about 160 Kms, for every hearing. Hence, she filed the present Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.144 of 2018 pending on the file of Family Court, Thiruvallur to Sub-Court, Kanchipuram on the grounds of physical and financial hardship.

4.Heard the submissions made on either side and perused the materials available on record.

5. In the petition filed by the husband, the address for service on the wife is shown as Kanchipuram. She finds it difficult to travel 160 Kms both ways for every hearing. Since her parents are also aged, the contention that it is not safe for her to travel alone also sounds reasonable.

6. Considering the inconvenience caused to the petitioner / wife, this Court is of the opinion that the matter can be transferred to Sub-Court, Kancheepuram. Accordingly, H.M.O.P.No. 144 of 2018 pending on the file of the Family Court, Tiruvallur is withdrawn and transferred to Sub Court, Kancheepuram. The Sub Court, Kancheepuram is directed to renumber the petition and issue notice to both the parties and dispose of the matter as expeditiously as possible.

7. This Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate, Kancheepuram

2. The Family Court, Tiruvallur.

+1cc to Mr.R.Bhagawat Krishna, Advocate, S.R.No. 9661

+1cc to Mr.A.Arun Babu, Advocate, S.R.No. 9686

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SAI (CO)
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