

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR C.M.P. No.964 of 2018
and
C.M.P.No.23836 of 2018

Kousalya

... Petitioner

Vs.

Rajalingam

.... Respondent

PRAYER:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the above H.M.O.P.No.88 of 2016 pending on the file of the learned Sub Court, Ranipet and transfer the same to the file of the learned III Additional Family Court, Chennai.

For Petitioner : Mr.Surya Prakash

For Respondent : Mr.Tholgappian

O R D E R

The Transfer Civil Miscellaneous Petition has been filed seeking transfer of H.M.O.P.No.88 of 2016 pending on the file of the learned Sub Court, Ranipet to the file of the learned III Additional Family Court, Chennai.

2. Respondent and petitioner are husband and wife. The petitioner/wife filed a petition for maintenance in June 2016 before the Family Court, Chennai. While the case is pending, the respondent/husband filed a petition for restitution of conjugal rights before the Sub Court, Ranipet.

3. The petitioner would submit that it is difficult for her to travel all along to Ranipet for every hearing. It causes physical and mental hardship. On the other hand, the respondent/husband will not be prejudicial if it tried along with the petition filed by her at Chennai.

4. The learned counsel for the respondent/husband would vehemently contend that the address of the petitioner/wife at Chennai is fabricated and she is actually living with her mother and brother at Athur, but there is no material to show that the petitioner/wife is residing at Athur, Salem. Therefore, considering the convenience of both the parties and hardship caused to the petitioner/wife by travelling to Ranipet for every hearing to attend the case, this Court is inclined to withdraw the case pending on the file of Sub Court, Ranipet and transfer the same to the file of III Additional Family Court, Chennai.

5. The address of the petitioner/wife is shown as Chennai. Therefore, she seeks transfer of H.M.O.P.No.88 of 2016 pending before the Sub Court, Ranipet to be tried along with the maintenance case filed before the Family Court, Chennai.

6. Accordingly, H.M.O.P.No.88 of 2016 pending on the file of Sub Court, Ranipet is withdrawn and transferred to the file of III Additional Family Court, Chennai to be tried along with MC.No.287 of 2016. The Sub Court, Ranipet is directed to send the bundles to the III Additional Family Court, Chennai.

7. The Transfer Civil Miscellaneous Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

bri

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Sub Court,
Ranipet.

2. The Judge, Family Court,
Chennai.

+1cc to Mr.R.Suryaprakash, Advocate, SR.No.20429
+1cc to Mr.R.Tholgappian, Advocate, SR.No.19788

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Kak(02/05/2019)