

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.956 OF 2018
AND CMP NO.23531 OF 2018

Deepa ... Petitioner

P.Suresh ... Respondent

Vs.

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw H.M.O.P.No.1333 of 2018 on the file of II Additional Family Court, Chennai and transfer the same to the Court of Subordinate Judge, Chidambaram.

For Petitioner : Ms.P.Srividhya
For Respondent : Mr.R.Sreerangan

O R D E R

The petitioner / wife filed this petition seeking to withdraw and transfer H.M.O.P.No.1333 of 2018 filed by the respondent / husband before the II Additional Family Court, Chennai, seeking divorce, to Sub Court, Chidambaram.

2. The petitioner is a resident of Kattumannarkoil, which is evident even from the divorce petition filed by the respondent / husband. The petitioner finds it very difficult to travel such a long distance from Kattumannarkoil and Chennai to contest the case and therefore, seeks transfer of the case to Sub Court, Chidambaram, which is 25 kms away from her residence.

3. On the other hand, the respondent would resist the request of the petitioner on the ground that he is facing threat to his life at Chidambaram and there are criminal cases pending against his wife before the Judicial Magistrate, Kattumannarkoil and Chidambaram.

4. Considering the facts and circumstances of the case, this Court is of the considered view that transferring the case from II Additional Family Court, Chennai to Family Court, Cuddalore, will be convenient for both the parties.

5. Accordingly, H.M.O.P.No.1333 of 2018 filed by the respondent/husband before the file of II Additional Family Court, Chennai is withdrawn and transferred to Family Court, Cuddalore. A direction is issued to the Family Court, Cuddalore, to renumber the petition and issue notice to both the parties and thereafter, dispose of the same, as expeditiously as possible.

6. The respondent / husband undertakes to bear the travelling expenses of the petitioner / wife from Kattumannarkoil to Cuddalore, to contest the case. The undertaking given by the respondent / husband is recorded.

7. The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

TK

To

1.The Presiding Judge,
The II Additional Family Court
Chennai.

2.The Presiding Judge,
The Family Court
Cuddalore.

+2cc to Mr.R.Sreerangam, Advocate, S.R.No. 14759
+1cc to Mr.P.Srividhya, Advocate, S.R.No. 15201

(CO)
GN(11/03/2019)

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