

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.457 of 2020

C.Shanmuga Sundar

... Petitioner

-vs-

A.Manimozhi Anbalagan

.... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the O.P.No.22 of 2020 on the file of the learned Family Court, Udhagamandalam and transfer the same to the file of the learned Sub Court, Coonoor, Nilgiris District.

For Petitioner :: Mr.A.Harivasagam

ORDER

Heard learned counsel for the petitioner through video conferencing due to the Covid-19 pandemic.

2. This transfer civil miscellaneous petition has been filed by Mr.C.Shanmuga Sundar, the husband of the respondent Mrs.A.Manimozhi Anbalagan seeking an order to withdraw the O.P.No.22 of 2020 on the file of the learned Family Court, Udhagamandalam and transfer the same to the file of the learned Sub Court, Coonoor, Nilgiris District.

3. On an earlier occasion, when the H.M.O.P.No.680 of 2019 was filed by the petitioner/husband on the file of the Sub Court, Poonamallee seeking a decree of divorce under Section 13 (1)(ia) of the Hindu Marriage Act, the respondent/wife Mrs.A.Manimozhi Anbalagan came to this Court with Tr.C.M.P.No.109 of 2020 seeking for withdrawal and transfer of the said case from the file of the Sub Court, Poonamallee to the Family Court, Udhagamandalam. This Court, after issuing notice to the petitioner herein, accepting his no objection for transferring the original petition from the file of the Sub Court, Poonamallee to the Family Court, Udhagamandalam, allowed the Tr.C.M.P.No.109 of 2020 by order dated 13.3.2020.

4. Once again the petitioner/husband has come to this Court by filing this petition seeking an order of transfer again from the file of the Family Court, Udhagamandalam to the Sub Court, Coonoor, Nilgiris District on the ground that the distance is too far and he is unable to travel. When the Tr.C.M.P.No.109 of 2020 was earlier filed by the petitioner's wife, the respondent herein, after notice, he came to this Court and gave his no objection for transferring the H.M.O.P.No.680 of 2019 from the file of the Sub Court, Poonamallee to the Family Court, Udhagamandalam. Accordingly, the H.M.O.P.No.680 of 2019 was transferred to the Family Court, Udhagamandalam and the same is now pending in re-numbered O.P.No.22 of 2020 before the Family Court, Udhagamandalam. Once the petitioner has agreed for transfer of the case to the Family Court, Udhagamandalam while the Tr.C.M.P.No.109 of 2020 was heard, he cannot once again change his stand and ask for transfer of the said case to the Sub Court, Coonoor, Nilgiris District now. In any event, the distance between Coonoor and Udhagamandalam is less than 25 Kms. Therefore, the transfer civil miscellaneous petition stands dismissed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ss

To

The Family Court Judge,
Udhagamandalam,
Nilgiris District.

+1cc to Mr.A.Harivasagam, Advocate Sr.31853

Tr.C.M.P.No.457 of 2020

rsk[col]
srg 21/10/2020

WEB COPY