

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.865 of 2019 and
C.M.P. No.23837 of 2019

Dinesh Mohan

...Petitioner

vs.

Kasthuri

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw F.C.M.C. No.27 of 2019 pending on the file of Family Court, Dharmapuri and transfer the same to the Sub Court, Tambaram to be heard along with O.P. No.73 of 2019.

For Petitioner : Mr.K.C.Karl Marx
For Respondent : Mr.C.Prabakaran

O R D E R

This Transfer Civil Miscellaneous Petition has been filed, to withdraw F.C.M.C. No.27 of 2019 pending on the file of Family Court, Dharmapuri and transfer the same to the file of Sub Court, Tambaram, to be heard along with O.P. No.73 of 2019.

2. When the matter was taken up for hearing, it is represented by the learned counsel for the respondent, that the respondent herein/wife was employed and she has resigned the job and that she may get a better offer in a company situated at Bangalore. He would further submit that either at Sub Court, Tambaram or Family Court, Dharmapuri, lawyer can represent the matter. It is the further submission of the respondent that a center place may be identified, to enable both the parties to travel equal distance and that the matter may be posted, either at Vellore or at Salem, where commutation is easy for both parties.

3. Learned counsel for the petitioner would submit that H.M.O.P. No.73 of 2019 filed for dissolution of marriage, is pending at Tambaram and that the wife was employed and probably for better prospects, she might have resigned, but asking the person to travel either to Dharmapuri or to a place, as suggested by the respondent, need not be granted and that the matter may be tried at Family Court, Chennai. The petitioner would further submit that he has no objection for the respondent being represented by a lawyer, in case, the

matter is transferred to Family Court, Chennai. Learned counsel for the petitioner further submitted that the petitioner, shall bear the travel expenses of the respondent, if she is willing to appear before the Family Court, Chennai to contest the case, till the respondent gets an employment.

4. Taking note of the submissions of the parties, the proceedings in F.C.M.C. No.27 of 2019 pending on the file of Family Court, Dharmapuri is to be withdrawn from the said court and transferred to the file of Principal Family Court, Chennai. The transportation charges, that may be incurred by the respondent for attending the hearing, shall be borne by the husband till the wife gets employment and this court expects the wife to file an affidavit once she gets employment.

5. It is submitted by the learned counsel for the petitioner that the petitioner shall take steps to transfer H.M.O.P. No.73 of 2019 pending on the file of Sub Court, Tambaram to the file of Principal Family Court, Chennai, to be tried along with F.C.M.C. No.27 of 2019, after it is renumbered.

6. Taking note of the submissions made by both parties, the proceedings in F.C.M.C. No.27 of 2019 is transferred from the file of Family Court, Dharmapuri to the file of the Principal Family Court, Chennai. As the parties have filed cases against each other, and that H.M.O.P. No.73 of 2019 is pending before the Sub Court, Tambaram, in the light of the provisions of Section 24 of CPC, H.M.O.P. No.73 of 2019 is withdrawn and transferred to the file of Principal Family Court, Chennai, to be tried along with F.C.M.C. No.27 of 2019. The Principal Family Court, Chennai, after transfer of both cases and after renumbering the same, shall conduct a joint trial and conclude the same, as expeditiously as possible, without adjourning the matter beyond 45 working days at any point of time, to bring the issue to a logical end. The petitioner shall pay the transportation charges, that may be incurred by the respondent for attending the hearing, till she gets employment and that this court expects the wife to file an affidavit once she gets employment.

7. With the above direction, the The Transfer Civil Miscellaneous Petition is Allowed. No costs. Consequently, the connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Asr

<https://hcservices.ecourts.gov.in/hcservices/>

To :

- 1) The Principal Judge, Family Court, Chennai
- 2) The Judge, Family Court, Dharmapuri
- 3) The Judge, Subordinate Court, Tambaram

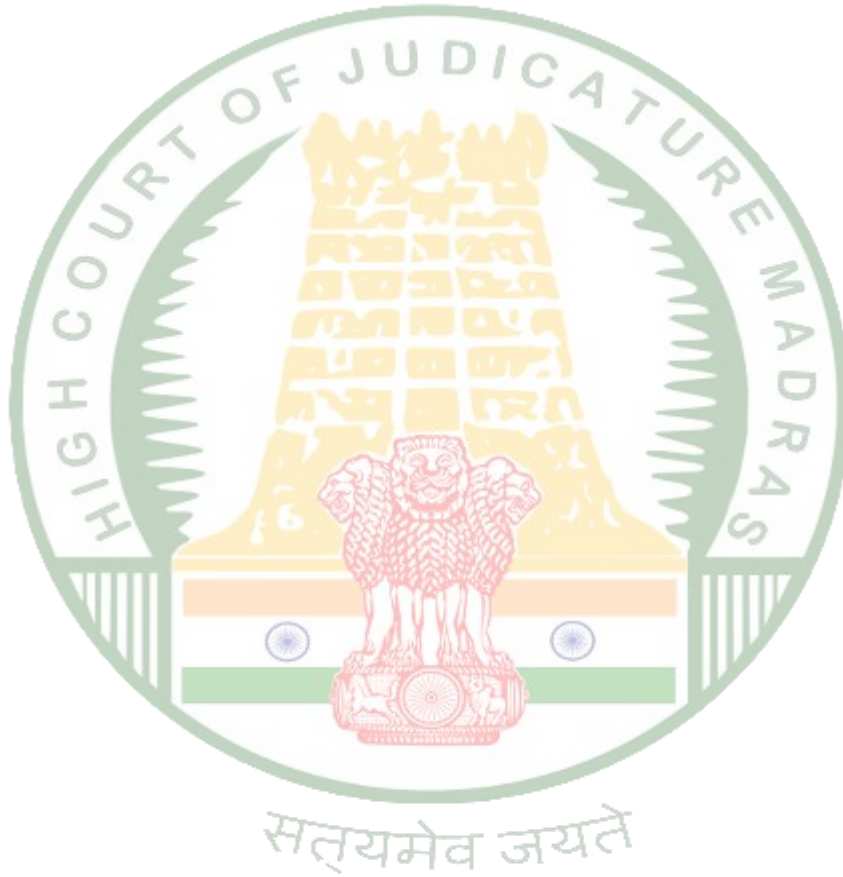
+1cc to Mr.K.C.Karl Marx , Advocate SR.No. 5696

+1cc to Mr.C.Prabakaran , Advocate SR.No. 5771

Tr.C.M.P.No.865 of 2019 and

C.M.P. No.23837 of 2019

A.SK(20/03/2020)



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