

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.956 of 2019
and
C.M.P. No.25939 of 2019

R.Rubakayalvizhi ...Petitioner
vs.
K.Kalaithamizhan ...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to order withdrawal of H.M.O.P. No.37/2016, pending on the file of Subordinate Court, Panruti, Cuddalore District and transfer the same to any other court which is suitable and having jurisdiction to try the case in Cuddalore Town.

For Petitioner : Mr.V.Balamurugane

For Respondent : Mr.D.Kumar

O R D E R

Wife has filed the transfer Civil Miscellaneous Petition, to withdraw H.M.O.P. No.37/2016, pending on the file of Subordinate Court, Panruti, Cuddalore District and transfer the same to any other court, which is suitable and having jurisdiction to try the case in Cuddalore Town.

2. The learned counsel for the respondent submits that the respondent has no objection for the matter being transferred from Panruti to Cuddalore, however, he submitted that when the petition filed for divorce at Neyveli, at the request of the petitioner herein, the matter was transferred to Panruti from Neyveli and again, she is seeking transfer of the case to Cuddalore. He further submitted that there is a criminal case pending under Section 498-A of IPC against the respondent herein before the Cuddalore court, but the intention of the petitioner appears to be dragging on the matter, to harass the respondent herein, who is the husband. However, he submitted that in order to give a quietus to the matter, an early hearing may be ordered.

3. Taking note of the submissions of both parties, H.M.O.P. No.37/2016 pending on the file of the Subordinate Court, Panruti, is withdrawn and transferred to the file of

Family Court, Cuddalore. The Family Court, Cuddalore, is expected to proceed with the matter and decide the case at the earliest, without adjourning the matter beyond 15 working days, at any point of time. It is further directed that the matter shall be listed on any one of the Saturdays, to enable the mother of the child to bring the child and allow the child to spend time with the father. Petitioner is agreeable for the above arrangement and that she will permit the husband to spend time with their child, monthly once, preferably on a Saturday.

3. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Asr

To :

1. The Family Court,
Cuddalore.
2. The Subordinate Court,
Panruti.

+1cc to Mr.V.Balamurugane, Advocate, S.R.No. 5439

Tr.C.M.P.No.956 of 2019
and C.M.P. No.25939 of 2019

NRL (CO)
GN(26/02/2020)

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