

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

T.R.C.M.P.No.1035 of 2019
and C.M.P.No.27587 of 2019

D.Ramya

..Petitioner/Respondent

-vs-

M.Prabhu

..Respondent/Petitioner

PRAYER: Petition is filed under Section 24 of Code of Civil Procedure to withdraw the H.M.O.P.No.5 of 2019 pending before the Principal Sub Judge at Tiruchirappalli and transfer the same to Family Court, Chennai.

For Petitioner : Mr.Arivazhagan

For Respondent : Mr.V.Manimaran

Mr.G.Senthilkumar

O R D E R

The present petition has been filed to transfer the case in H.M.O.P.No.5 of 2019 pending before the Principal Sub Judge at Tiruchirappalli to the Family Court, Chennai.

2. It is seen that the husband had filed a petition for divorce on the ground of desertion and the wife has been adopting dilatory tactics before the Lower Court, as she was set exparte initially and by consent of the husband, the exparte order was recalled. Since the wife has not made out any valid ground for transfer, this Court is not inclined to grant the relief sought for by the petitioner. However, it is represented by both the parties that the case may be transferred to the Family Court, Vellore, which is convenient to them to attend the hearings on the required dates.

3. In view of the above submissions and also considering the fact that since the parties are going to be represented by a Lawyer before the Trial Court, the Transfer Civil Miscellaneous Petition is disposed of, with a direction to the learned Principal Subordinate Judge, Tiruchirappalli to transfer the case in H.M.O.P.No.5 of 2019 to the file of Family Court, Vellore, within a period of two weeks from the date of receipt of a copy of this order. On such transfer, the Transferee Court, namely, the Family Court, Vellore is directed to take up the

case in H.M.O.P.No.5 of 2019 and proceed with the same, without adjourning the matter beyond 15 working days at any point of time and bring the issue to a logical end as expeditiously as possible, preferably within one year. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.S.III)

/True Copy/

Sub Assistant Registrar

To:

1.The Principal Subordinate Judge,
Tiruchirappalli.

2.The Judge, Family Court,
Vellore.

+1cc to Mr.C.Arivazhagan, Advocate Sr.No.10588

+1cc to Mr.G.Senthilkumar, Advocate Sr.No.11222

AKM/04.03.2020 /2P-5C/

T.R.C.M.P.No.1035 of 2019

सत्यमेव जयते
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