

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.1036 of 2019

Viruthambika

...Petitioner

vs.

Subramaniyan

...Respondent

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw the proceedings in H.M.O.P.No.94 of 2019 on the file of the Subordinate Court at Gingee, Villupuram District and transfer the same to the file of the Family Court at Chennai.

For Petitioner : Mr.T.Elumalai

O R D E R

The Petitioner, who is residing at Chennai has come up with this Petition seeking transfer of H.M.O.P.No.94 of 2019 on the file of the Subordinate Court at Gingee, Villupuram District to the file of the Family Court at Chennai, on the ground that, she has a school-going child and hence, it would not be possible for her to travel all the way from Chennai to Gingee to attend the hearings of the case.

2. Learned counsel for the Petitioner submitted that the Petitioner is dependent on the income of her parents for her livelihood and that her husband, the Respondent herein is working as a Professor in Government Arts and Science College at Tiruvannamalai.

3. On a reading of the Affidavit accompanying this Petition, it is seen that the marriage between the Petitioner and the Respondent took place in 2005 and that their son is studying VI Standard. It is further seen that they last resided in Gingee and that the Petitioner left the matrimonial house unable to bear the torture of her husband.

4. In view of the above, this Court does not find any proper ground to order transfer of the proceedings, when the parties have engaged Lawyers to represent their case and that, the appearance of the parties is required only while recording evidence and not on all hearings.

5. The Subordinate Court at Gingee, Villupuram District is expected to conclude the trial in H.M.O.P.No.94 of 2019, 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.

6. The Transfer Civil Miscellaneous Petition is dismissed with the above observation. No costs. Consequently, connected C.M.P.No.27588 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VI)

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Sub Assistant Registrar

(jas/aeb)

To :

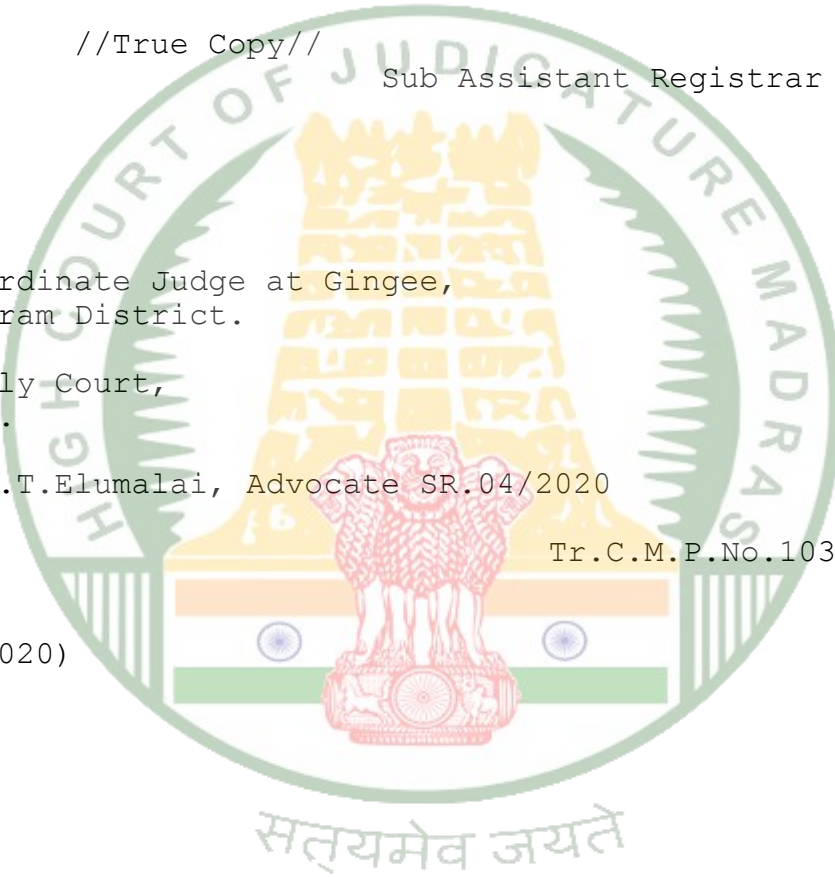
1.The Subordinate Judge at Gingee,
Villupuram District.

2.The Family Court,
Chennai.

+1cc to Mr.T.Elumalai, Advocate SR.04/2020

Tr.C.M.P.No.1036 of 2019

SJ(CO)
CB(04/02/2020)



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