



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.266 of 2021
and
C.M.P. No.7053 of 2021

S.Valli

... Petitioner

Vs

V.Sankaralingam

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw H.M.O.P. No.50 of 2021, pending before the Hon'ble Subordinate Court, Kancheepuram and transfer the same to Family Court, Chennai.

For Petitioner	: Mr. P.G.Thiyagu
For Respondent	: No appearance

O R D E R

Though notice was served on the respondent as early as on 30.04.2021, there is no representation on behalf of the respondent. Hence this Court is inclined to dispose of the matter on merits.

2. This petition is filed to withdraw and transfer H.M.O.P. No.50 of 2021, pending before the Subordinate Court, Kancheepuram and transfer the same to Family Court, Chennai. The petitioner is the wife. The respondent husband filed a petition for divorce in H.M.O.P. No.50 of 2021 before the Subordinate Court, Kancheepuram. The petitioner states that she is residing with her children and parents at Chennai. It is stated further that her first child is aged 3 ½ years and other child is aged 1 ½ years. It is the case of the petitioner that she is unable to travel from Chennai to Kancheepuram for every hearing.. Having regard to the fact that the petitioner's parents are very old, it is contended by the petitioner that she may not get any assistance from her parents to conduct the case. It is the specific case that trial of proceeding in H.M.O.P. No.50 of 2021 before Subordinate court, Kancheepuram will be more inconvenient for the petitioner.

3. Having regard to the facts and circumstances pointed out by the petitioner, this Court is inclined to transfer the proceeding. Since the respondent did not appear or file any



counter affidavit, this Court is of the view that the transfer petition can be ordered on the basis of submissions of the petitioner and facts found in the affidavit filed in support of this petition. Accordingly, H.M.O.P. No.50 of 2021 pending on the file of Subordinate Court, Kancheepuram is hereby withdrawn and transferred to Family Court, Chennai. If the petitioner fails to appear consecutively for two hearings before the Family Court, Chennai, the respondent will have an option to seek retransfer.

4. This transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Subordinate Court, Kancheepuram

2.The Family Court, Chennai.

+lcc to Mr.P.G.Thiyagu Advocate, S.R.No. 29141

Tr. C.M.P. No.266 of 2021

UM(CO)
SB(19/07/2021)