



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2021

CORAM:

THE HONOURABLE Mr.JUSTICE S.S.SUNDAR

Tr.C.M.P. No.280 of 2021
and C.M.P. No.7216 of 2021

G.K.Renuga

.. Petitioner

Vs

D.Pushparaj

.. Respondent

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the case in H.M.O.P No.33 of 2021 on the file of the Sub Court at Dharmapuri and transfer the same to any of the Family Court at Chennai to be tried on merits.

For Petitioner : Mr.S.Thiruvengadam

For Respondent : Mr.Arun Anbumani

O R D E R

This petition has been filed to withdraw the case in HMOP No.33 of 2021 on the file of the Additional Sub Court at Dharmapuri and transfer the same to any of the Family Courts at Chennai to be tried on merits.

2. It is admitted that the marriage between the petitioner and the respondent was solemnized on 07.02.2020 just about one-and-a-half years back. It is admitted that the respondent husband has now filed a petition HMOP No.33 of 2021 before the Additional Sub Court, Dharmapuri, where the respondent has permanent address. It is stated by the petitioner wife that she is in Chennai and that the respondent also is employed in Chennai. It is therefore prayed that the case should be transferred to Chennai. This Court has noticed that the parties are agreeable for mutual divorce. The proceedings in HMOP No.33 of 2021 are now pending before the Additional Sub Court, Dharmapuri. Before the Sub Court the matter can be proceeded



without appearance of parties for every hearing unless it is specifically required by Court for mediation. Since parties are agreeable for mutual divorce, disposal of the case may not take much time.

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3. The learned counsel for the respondent states that the respondent is prepared to bear the expenses of the wife to come and attend the hearing at Dharmapuri. A sum of Rs.5,000/- according to the respondent will be appropriate for every hearing.

4. Considering the scope of the proceedings and the fact that the respondent husband is agreeable for bearing the expenses of wife to come and attend the hearing at Dharmapuri, this Court is inclined to dispose of the transfer civil miscellaneous petition with the following order:

"It is open to the parties to file a joint memo or apply for mutual divorce before the Additional Sub Court, Dharmapuri in HMOP No.33 of 2021. The learned Subordinate Judge, Dharmapuri is directed to consider the possibility of an amicable settlement and dispose of HMOP No.33 of 2021, within a period of three months from the date of receipt of a copy of this order.

The respondent is directed to pay a sum of Rs.10,000/- initially and thereafter continue to pay a sum of Rs.5,000/- for every hearing by way of a demand draft or by any other mode as may be agreeable to the wife. In case the respondent fails to pay the amount to the petitioner/wife as agreed, the petitioner will have an option to seek transfer of proceedings from Additional Sub Court, Dharmapuri to the Family Court, Chennai." No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssr



To

1.The Sub Court,
Dharmapuri.

2.The Family Court,
Chennai.

+1cc to M/s.S.Thiruvengadam, Advocate (SR No.30198)

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JP II (CO)
PR (03/08/2021)