



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM:

THE HONOURABLE Mr.JUSTICE S.S.SUNDAR

Tr.C.M.P. No.320 of 2021
and
C.M.P. No.7707 of 2021

S.Subhashini

... Petitioner

Versus

D.Muthuraj

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw F.C.O.P.No.34 of 2021 on the file of Hon'ble Family Court, Chengalpattu and transfer the same to the file of the Hon'ble District Sub Court, Sivakasi.

For Petitioner : Mr. N.Saravanan

For Respondent : Mr. D.R.Arunkumar

O R D E R

This petition is filed to withdraw the proceedings in F.C.O.P.No.34 of 2021 on the file of Family Court, Chengalpattu and transfer the same to the file of the Sub Court, Sivakasi.

2. The facts are admitted. The petitioner is the wife. The respondent husband filed a petition for divorce in F.C.O.P. No.34 of 2021 before the Family Court, Chengalpattu. The petitioner states that she is a resident of Sivakasi, Virudhunagar District and it is difficult for her to travel such a long distance. Hence she seeks transfer of case on the ground of convenience.

3. Learned counsel appearing for the respondent fairly conceded that this petition may be allowed in terms of the prayer as sought for in this petition. However, he expressed his concern that the petitioner should not be permitted to drag on the proceedings.

4. Considering the above circumstances, this Court is inclined to allow this petition in the following lines:



The proceedings in F.C.O.P. No.34 of 2021 pending on the file of Family Court, Chengalpattu, are hereby withdrawn and transferred to the file of the Sub Court, Sivakasi. Both the parties are expected to co-operate for early disposal of the matrimonial proceedings. In case, the petitioner wife fails to attend two or more consecutive hearings, it is open to the respondent husband to seek modification of this order or re-transfer. The learned Subordinate Judge, Sub Court, Sivakasi, is directed to expedite the trial and dispose of the case as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of the records from Family Court, Chengalpattu.

5. Accordingly, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To

1.The Sub-Court,
Sivakasi.

2.The Family Court,
Chengalpattu.

+1cc to Mr.D.R.Arunkumar, Advocate (SR No.35799)

Tr.C.M.P. No.320 of 2021

AKII (CO)
PR (11/08/2021)