



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.350 of 2021

and

C.M.P.No.8185 of 2021

[Through video conferencing]

P.Indhuja

... Petitioner

-vs-

M.Vinoth Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the F.C.O.P.No.115 of 2021 on the file of the Family Court, Vellore and to transfer the same to the Subordinate Court, Arani.

For Petitioner : Mr.P.Satheesh Kumar

For Respondent : Mr.D.N.Dhurgasha (No appearance)

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the F.C.O.P.No.115 of 2021 from the file of the Family Court, Vellore and to transfer the same to the Subordinate Court, Arani.

2.The respondent/husband has filed F.C.O.P.No.115 of 2020 before the Family Court at Vellore for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her aged parents house at Arani. Moreover, the petitioner is depending on her aged parents, it is very difficult for the petitioner to travel alone from Arani to Vellore for attending the Court on every hearings in F.C.O.P.No.115 of 2020. He would further submit that the petitioner has filed a petition in H.M.O.P.No.114 of 2020 before the learned Subordinate Judge at Arani for restitution of conjugal rights and it is still pending. Therefore, he seeks to transfer the case from the file of the Family Court, Vellore to



the file of the Subordinate Court, Arani to be tried along with H.M.O.P.No.114 of 2020.

4. There is no representation for the respondent. Heard the learned counsel for the petitioner and perused the materials placed on record.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to transfer the case to the file of the Subordinate Court at Arani, tried along with H.M.O.P.No.114 of 2020, pending on the file of the Subordinate Court at Arani.

6. Accordingly, F.C.O.P.No.115 of 2020 is withdrawn from the file of the Family Court at Vellore and transferred to the file of the Subordinate Court at Arani, for disposal as per law. The Family Court, Vellore, is directed to transmit the papers to the file of the Subordinate Court at Arani, forthwith. The learned Subordinate Judge at Arani, is directed to dispose of the case in F.C.O.P.No.115 of 2020, tried along with H.M.O.P.No.114 of 2020 on merits and in accordance with law as expeditiously as possible.

7. In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssi

To:

1. The Judge
Family Court,
Vellore.

2. The Subordinate Judge,
Arani.

+1cc to Mr.P.Satheeshkumar, Advocate Sr No.40012
+1cc to Mr.D.N.Dhurgasha, Advocate Sr No.39868

Tr.C.M.P.No.350 of 2021
and C.M.P.No.8185 of 2021

GJ (CO)
PR (02/09/2021)