

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05-01-2021

Coram

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.504 of 2020

And

C.M.P.No.12800 of 2020

Mr.M.Suresh

..Petitioner

vs.

Tmt.Lalitha

..Respondent

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code to withdraw and transfer the HMOP No.85 of 2019 on the file of the Family Court at Villupuram to the file of the Sub Court, Kumbakonam, Thanjavur District.

For Petitioner : Mr.Dharani for Mr.K.Raja

For Respondent : Mr.M.Velmurugan

O R D E R

The petition for transfer is filed to transfer HMOP No.85 of 2019 from Family Court, Villupuram to Sub Court, Kumbakonam, Thanjavur District.

2. Marriage between the petitioner and the respondent was solemnised on 01.02.2002 at Kumbakonam as per Hindu Rites and Customs.

3. Learned counsel for the petitioner states that the respondent filed the HMOP at Villupuram in view of the fact that she was working at Villupuram during the relevant point of time. Subsequently, the respondent-wife was transferred from Villupuram to Kumbakonam and therefore, it would not be difficult for the respondent to contest the case at Kumbakonam.

4. Learned counsel for the respondent made a submission that the trial has already commenced before the Family Court, Villupuram and evidences are in progress. Under these circumstances, transferring of the case would prejudice the trial proceedings and therefore, the respondent is willing to continue the case at Family Court, Villupuram itself.

5. In view of the fact that the trial has already commenced and the respondent-wife is also willing to continue the trial at Family Court, Villupuram, there is no reason to entertain the present petition for transfer.

6. Accordingly, Tr.CMP No.504 of 2020 stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

svn

To

1. The Judge,
Family Court,
Villupuram.
2. The Sub Judge,
Sub Court,
Kumbakonam,
Thanjavur District.

+1cc to Mr.K.Raja, Advocate, S.R.No.557

+1cc to Mr.M.Velmurugan, Advocate, S.R.No.154

Tr.CMP No.504 of 2020

ajs(CO)
rv(03/02/2021)

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