

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021  
CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.517 of 2020  
and  
C.M.P.No.13282 of 2020

S.Manju Nivedhitha  
W/o.S. Arunkumar

..Petitioner/Respondent

vs.

S.Arun Kumar  
S/o. C. Suresh

..Respondent/Petitioner

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw F.C.O.P.No.49 of 2019 from the file of the learned Family Court, Chengalpattu to the file of the Learned Sub-ordinate Judge, Kancheepuram.

For Petitioner : Mr.G.Magesh Kumar  
For Respondent : Mr.M.Rajasekar

O R D E R

The petition is filed to transfer F.C.O.P.No.49 of 2019 from the Family Court, Chengalpattu to the learned Sub-ordinate Judge, Kancheepuram.

2. The marriage between the petitioner and the respondent was solemnized on 04.02.2018 as per the Hindu Rites and customs. The petitioner and the respondent started their matrimonial life happily. On account of misunderstanding, now they are living separately. The husband filed a petition for divorce in F.C.O.P.No.49 of 2019 which is now pending before the Family Court, Chengalpattu and the wife filed H.M.O.P.No.169 of 2020 before the Sub-Court, Kancheepuram for restitution of conjugal rights.

3. The respective learned counsels appearing on behalf of the petitioner as well as the respondent made a submission that the trial has already commenced in the Family Court, Chengalpattu and the chief examination was completed and the cross-examination is partly completed. The matter is listed for further continuation of cross. Under these circumstances, in the event of transferring the case at Chengalpattu to Kancheepuram, it would cause great prejudice to either of the parties.

4. The learned counsel for the petitioner also agrees that in the event of paying the transport charges, the petitioner would be in a position to attend the case at Chengalpattu. The learned counsel for the respondent also agreed to pay a sum of Rs.500/- per hearing to the petitioner enabling her to attend the case at Chengalpattu. In view of the fact that the respondent agreed to pay a sum of Rs.500/- per hearing to the petitioner, this Court is inclined to transfer the case from Kancheepuram to Chengalpattu. Accordingly, H.M.O.P.No.169 of 2020 pending on the file of the Sub Court, Kancheepuram stands transferred to the Family Court, Chengalpattu to be tried along with F.C.O.P.No.49 of 2019. The respondent/husband is directed to pay a sum of Rs.500/- per hearing on the date of hearing before the Court and the Family Court, Chengalpattu is directed to ensure the payment of cost is paid every hearing to the petitioner/wife. Accordingly, the transfer petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

5. The Family Court, Chengalpattu is requested to dispose of the case as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this order.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssb  
To

1.The Judge,  
The Family Court, Chengalpattu.

2.The Judge,  
Sub-Court, Kancheepuram

+1 CC to Mr.M.Rajasekar, Advocate sr 6938.

+1 CC to Mr.G.Magesh Kumar, Advocate sr 7161

Tr.CMP.No.517 of 2020

PP(CO)  
SP(12/03/2021)