



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

TR CMP No.679 of 2021
and CMP No.17012 of 2021

Dhivya

... Petitioner

Vs

K.Madhankumar

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, 1908, pleased to withdraw the HMOP.No.3565 of 2018 on the file of the Additional Family Court II at Chennai and transfer the same to the Sub Court, Chidambaram.

For Petitioner : Mr.U.M.Sankara Velmurugan

For Respondent : Mr.G.Ashok Kumar

O R D E R

The wife seeks transfer of HMOP No.3565 of 2018 on the file of the II Additional Family Court, Chennai to Sub Court, Chidambaram.

2.The transfer is sought for mainly on the ground of convenience, since the wife is resident of Chidambaram.

3.Learned counsel appearing for the respondent husband would submit that the proceedings in the Family Court, Chennai are at a part heard stage and the evidence of the husband is almost over. He has to be cross examined and the evidence of the wife has to be let in. Therefore, the learned counsel would submit that transfer of the proceeding at this advanced stage would only delay the proceedings.

4.Learned counsel appearing for the petitioner wife would submit that she is living with her aged mother at Chidambaram and it is very difficult for her to go over to the Family Court, Chennai for every hearing. Learned counsel for the husband would also express an apprehension that there may be an attempt on his life, if he is to go to Chidambaram to attend the hearings.



5.Considering the over all circumstances and the fact that the wife is a resident of Chidambaram, I am of the opinion that the transfer of this case to a neutral venue will be convenient to both the parties. Accordingly, HMOP.No.3565 of 2018 is withdrawn from the file of II Additional Family Court, Chennai and transferred to the file of Principal Sub Court, Cuddalore to be disposed of in accordance with law. Since it is stated that the O.P. is at a part heard stage, the Principal Sub Court, Cuddalore is directed to dispose of the O.P. within a period of three months from the date of receipt of the papers from the transferor Court. Hence, this transfer civil miscellaneous petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Judge, II Additional Family Court,
Chennai.
2. The Principal Sub Ordinate Judge,
Cuddalore.

+1cc to Mr.U.M.Sankara Velmurugan, Advocate, S.R.No.66572
+1cc to Mr.G.Ashok Kumar, Advocate, S.R.No.66664

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NR(CO)
CT 06/01/2022