



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

TR.CMP.NO.116 OF 2022

AND

C.M.P.NO.2146 OF 2022

R.Vidya Ramakrishnan

... Petitioner

Vs

S.Shanmuga Sundaravel @ Vijay

... Respondent

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the OP No.711 of 2019 on the file of Subordinate Judge, Tambaram to the file of Family Court Chennai, Chennai District and pass such further or other orders in the interest of justice.

For Petitioner : M/s.G.M.Shankar

For Respondent : No appearance

ORDER

The respondent/wife in a petition for restitution of conjugal rights filed by the husband on the file of the Sub Court, Tambaram is the petitioner before this Court. The petitioner seeks to withdraw O.P.No.711 of 2019 pending on the file of the Sub Court, Tambaram and transfer the same to the file of the Family Court, Chennai.

2. The reasons for seeking the transfer are as follows:

The petitioner herein has filed a petition for divorce in O.P. No.1440 of 2018 which is pending on the file of the IV Principal Family Court, Chennai. She would also submit that she is residing with her children along with her aged parents without anyone's assistance and it is difficult to take care of her minor girl without her presence. She would further submit



that the respondent/husband did not show any interest or concern either in favour of the petitioner or his children.

3. The respondent/husband though served has not entered appearance either in person or through counsel.

4. Heard the learned counsel for the petitioner/wife.

5. Considering the fact that the petitioner is living along with her aged parent and minor children, and also the respondent has not been maintaining her and her children, her request for transfer appears reasonable.

6. In view of the above, the Transfer Civil Miscellaneous Petition is allowed and O.P No.711 of 2019, pending on the file of the Sub Court Tambaram is withdrawn and transferred to the file of the Family Court, Chennai. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge,
Tambaram.

2. The Judge,
The Family Court,
Chennai.

3. The IV Principal Judge,
Family Court, Chennai.

+1cc to M/s.G.M.Shankar, Advocate, S.R.No.20522

Tr.CMP.No.116 of 2022
and
C.M.P.No.2146 of 2022

KK(CO)
RLP(26/04/2022)