



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM

THE HON'BLE MS.JUSTICE P.T.ASHA

TR.C.M.P.NO.164 OF 2022

AND

C.M.P.NOS.3274 AND 3276 OF 2022

J.Sharmila

... Petitioner/Respondent

Vs

Nanda Kumar

... Respondent/Petitioner

PRAYER:

Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw the H.M.O.P.No.44 of 2022 on the file of the Sub-Court, Thiruvottiyur and transfer the same to the file of the Sub-Court, Tambaram.

[Prayer amended vide Court order dated 04.04.2022 made in C.M.P.No.5273 and 5277 of 2022 in Tr.C.M.P.No.164 of 2022 (PTAJ)]

For Petitioner : Mr.V.Parthiban

For Respondent : Mr.V.Kanagasundaram

O R D E R

This Transfer Civil Miscellaneous Petition is filed seeking to withdraw the H.M.O.P.No.44 of 2022 on the file of the Sub-Court, Thiruvottiyur, originally H.M.O.P.No.4 of 2020 on the file of the Principal Sub-Court, Ponneri and transfer the same to the file of the Sub-Court, Tambaram.

2. The Transfer is sought for by the petitioner/wife on the ground that she is residing in Selaiyur, along with her minor daughter. It is her grievance that she finds it very difficult to travel alone from Selaiyur to Thiruvottiyur, for every hearing. She is depending entirely on her mother and her younger brother, therefore, she is not able to spend money for travel for every hearing. Though the matter is before the the Sub-



Court, Thiruvottiyur, the presence of the parties is insisted. The petitioner has also filed H.M.O.P.No.27 of 2021 on the file of the Sub-Court, Tambaram for Restitution of Conjugal Rights.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

4. Considering the reasons given and the fact that the petitioner/wife is residing within the Jurisdiction of the Sub-Court, Tambaram, this Court is of the considered view that the request for transfer should be allowed.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.44 of 2022 pending on the file of the Sub-Court, Thiruvottiyur is withdrawn and transferred to the file of the Sub-Court, Tambaram to be tried along with H.M.O.P.No.27 of 2021. The learned Subordinate Judge shall first attempt Mediation between the parties, if the Mediation fails, the learned Judge shall take up the H.M.O.P.No.44 of 2022 and proceed further. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The Sub-Court, Thiruvottiyur.
2. The Sub-Court, Tambaram.
3. The Section Officer,
V.R.Section,
High Court, Madras.

+2ccs to Mr.V.Parthiban, Advocate, S.R.No.27506

+1cc to Mr.V.Kanagasundaram, Advocate, S.R.No.27140

Tr.C.M.P.No.164 of 2022
and

C.M.P.Nos.3274 and 3276 of 2022

AKII (CO)

PM/19/05/2022