



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

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

TR.C.M.P.NO.153 OF 2022

S.Keerthiga

... Petitioner

Vs

S. Anantharaj

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw and transfer the H.M.O.P.No.26 of 2021 pending on the file of the Subordinate Judge, Neyveli to Principal Family Judge, Chennai.

For Petitioner : Ms.Meenakshi
for Mr.Alwyn Prabakar

For Respondent : Mr.M.Selvam

ORDER

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking transfer of H.M.O.P.No.26 of 2021, pending on the file of the Sub Court, Neyveli to the file of the Principal Family Court, Chennai.

2. Despite knowing the fact that the petitioner-wife is living in Chennai, the respondent/husband has filed the above H.M.O.P.No.26 of 2017 under Section 13(1)(i)(i-a) of the Hindu Marriage Act, on the file of the Sub Court, Neyveli, for divorce. Further, she claims that she is subjected to lot of harassment at the hands of the respondent-husband, who has also instigated her mother to file 3 Habeas Corpus Petitions, which ultimately constrained the petitioner-wife to file CrI.O.P.No.10729 of 2021 before this Court, seeking a direction that the Inspector of Police, Mandharakuppam Police Station, Cuddalore District, should not harass her except by due process



of law. In these circumstances, the interest of justice would be sub served, if the said H.M.O.P is transferred to the Principal Family Court, Chennai.

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

4. The learned counsel for the respondent-husband would submit the respondent-husband is employed in a private concern. Since the matter is being transferred from a Sub Court to a Family Court, where the presence of the parties is mandatory for every hearing, his presence may be dispensed with for non effective hearings.

5. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.26 of 2021 pending on the file of the Sub Court, Neyveli is withdrawn and transferred to the file of the Principal Family Court, Chennai. The learned Principal Judge, Family Court, Chennai is directed not to insist upon the presence of the respondent-husband for all non effective hearings except for attending counselling and for adducing evidence. No Costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Subordinate Judge, Neyveli.

2. The Principal Judge, Family Court, Chennai.

+1cc to Mr.M.Selvam, Advocate, S.R.No.25659

+1cc to M/s.Alwyn Prabakar, Advocate, S.R.No.25573

Tr.C.M.P.No.153 of 2022

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