



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

TR.C.M.P.NO.113 OF 2021

AND

C.M.P.NO.3660 OF 2021

S.Janani Priya

... Petitioner/Respondent

-Vs-

M.Kandaswamy

... Respondent/petitioner

PRAYER:

Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.624 of 2019 on the file of the Sub Judge, Tambaram and transfer the same to the file of the learned Judge, Family Court, Chennai.

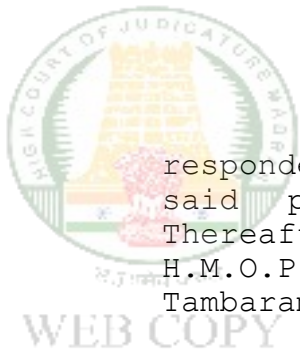
For Petitioner : Ms.M.Vidya

ORDER

The Transfer Civil Miscellaneous Petition has been filed by the wife seeking transfer of H.M.O.P.No.624 of 2019 filed by the husband for divorce on the ground of cruelty and desertion before the learned Sub Judge, Tambaram, to the file of the learned Judge, Family Court, Chennai to be tried along with H.M.O.P.No.423 of 2019 for restitution of conjugal rights.

2.The petitioner would contend that marriage between herself and the respondent had been solemnized on 02.06.2014 at Valasaravakkam, Chennai and out the wedlock, they had one girl child by name K.J.Kaavya who was born on 28.09.2015. After marriage, the respondent did not take care of them and did not provide even basic requirements for running the family.

3.However, the respondent husband has proceeded to file a petition in H.M.O.P.No.423 of 2019 before the learned VII Additional Judge, Family Court, Chennai, seeking restitution of conjugal rights. After the filing of the said petition, the



respondent husband had never appeared before the Court and the said petition was dismissed for default on 21.06.2019. Thereafter, the respondent husband filed a divorce petition in H.M.O.P.No.624 of 2019 on the file of the learned Sub Judge, Tambaram.

4.The reasons given by the petitioner/wife for seeking the transfer are as follows:

(1)The petitioner is residing at T.Nagar along with her minor daughter who is studying U.K.G. at T. Nagar.

(2)The family members of the respondent at Tambaram had already threatened the petitioner.

(3)The respondent husband has now gone to Andaman.

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

6. Heard the learned counsel appearing for the Petitioner.

7.Considering the fact that sufficient reasons for the transfer have been provided by the petitioner. This Court is of the view that in the interest of Justice H.M.O.P.No.624 of 2019 pending on the file of the learned Sub Judge, Family Court, Tambaram, is withdrawn and transferred to the file of the learned Judge, Family Court at Chennai to be tried along with H.M.O.P.No.423 of 2019.

Therefore, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.624 of 2019 pending on the file of the Sub Court at Tambaram, is withdrawn and transferred to the file of the Family Court at Chennai to be tried along with H.M.O.P.No.423 of 2019. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mps



To

1. The Sub Judge,
Family Court,
Tambaram.

2. The Judge,
Family Court,
Chennai.

+1cc to Ms.M.Vidya, Advocate, S.R.No.15285

Tr.C.M.P.No.113 of 2021
and
C.M.P.No.3660 of 2021

SKM(CO)
PM/19/04/2022