



Tr.CMP.No.591 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

Tr.CMP.No.591 of 2022

and

CMP.No.10290 of 2022

S.Ananthakrishnan
Petitioner

...

Vs.

B.Shyamala Savithiri

... Respondent

Prayer: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw the MC.No.1 of 2021, I.A.No.1 of 2022 in HMOP.No.505 of 2019 and HMOP.No.145 of 2022 from the file of the Subordinate Court, Tambaram and transferring the same to the Family Court, Chennai for joint trial as per the orders of this Court for disposal.

For Petitioner : Mr.K.Narasimhan

For Respondent : Mr.S.N.Subramani



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ORDER

The petitioner/husband filed this transfer petition seeking transfer of M.C.No.1 of 2021, I.A.No.1 of 2022 in HMOP.No.505 of 2019 and HMOP.No.145 of 2022 from the file of the Subordinate Court, Tambaram, to Family Court Chennai.

2. The transfer was sought for mainly on the ground of allegation of bias against the Presiding Officer of Subordinate Court, Tambaram.

3. The learned Counsel for the petitioner submitted that the Presiding Officer against whom the allegation of bias was made, was already transferred. Therefore, the main ground on which all the transfer petitions were filed is no longer available. Further, the learned counsel for the petitioner submitted that all these cases can be transferred to the Family Court, Chennai, to enable the parties to explore the possibility of settlement as the Family Court, Chennai, have got better facilities to explore the possibility of settlement. The said submission of the learned counsel for the petitioner cannot be countenanced.



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4. Earlier petition for maintenance filed by the wife in FCMC.No.12 of 2019 before the Family Court, Chengalpattu was transferred to the Subordinate Court, Tambaram, at the instance of the petitioner in Tr.CMP.No.545 of 2019. Subsequently, the petition for divorce filed by the wife in HMOP.No.44 of 2020 before the Family Court, Chengalpattu was transferred to the Subordinate Court, Tambaram, at the instance of the petitioner in Tr.CMP.No.746 of 2021. Therefore, the request of the learned counsel for the petitioner to transfer all these petitions, once again to the Family Court, Chennai, is not acceptable.

5. Therefore, this Transfer Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No

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S.SOUNTHAR , J.
dna

To

- 1.The Subordinate Court, Tambaram
- 2.The Family Court, Chennai.

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