



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T. ASHA

TR.C.M.P.NO.693 OF 2021

AND

C.M.P.NOS.17128 AND 17129 OF 2021

Mrs.S.Rudhradevi

...Petitioner / Respondent

Vs.

Mr.A.Karthick @ Arunraj

...Respondent / Petitioner

PRAYER : Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code to withdraw H.M.O.P.No.04 of 2021 on the file of the Sub-Court, Paramathy, Namakkal District and transfer the same to the Principal Family Court at Chennai.

For Petitioner : Mrs.S.Vinoth Kumar

For Respondent : Mr.M.Sudhan

O R D E R

The wife has filed this petition for transferring the proceedings initiated by her husband in H.M.O.P.No.04 of 2021 on the file of the Sub-Court, Paramathy, Namakkal District to the file of the Principal Family Court at Chennai.

2. The learned counsel for the petitioner would submit that the petitioner/wife has lost both her father and mother and she is residing with her sister at Chennai and pursuing her LLB Honours degree at the School of Excellence in law at Tamil Nadu Dr.Ambedkar Law University. The respondent/husband is very much aware about the fact that the petitioner is residing in Chennai and he deliberately filed the petition at Sub-Court, Paramathi, Nammakkal, in fact, because she had been set exparte and exparte order of divorce came to be granted. Once the petitioner has came to know about this, she has taken steps to set aside the exparte order and the same has been set aside and the counter has also been filed in the said H.M.O.P. The learned counsel would further submit that the petitioner had totally depending on her sister in Chennai. She is finding it extremely difficult to go for Paramathy for the hearing of the case. Therefore, she



seeks transfer of the case to the file of the Family Court at Chennai.

3. The respondent was served and the counsel appearing on behalf of the respondent/husband would submit that there is no necessity for the petitioner to attend for every hearing since the case is pending before the Family Court.

4. The learned counsel for the petitioner would submit that already counter has been filed and the matter is ready for trial.

5. The learned counsel for the respondent has also given his No Objection to the transfer being ordered.

6. Both the learned counsels submitted that the counselling session has not commenced in the above matter and the learned counsels request this Court for early disposal of the above said case.

7. Considering the submissions made by the learned counsel on either side and as the respondent has got no objection in transferring the case to the Principal Family Court, Chennai, this Transfer Civil Miscellaneous petition is allowed and the proceedings in H.M.O.P.No.04 of 2021, pending on the file of the Sub Court, Paramathy is withdrawn and transferred to the file of the Family Court, Chennai. The learned Principal Family Judge, Chennai shall allot a Court to which the matter should be transferred. After the counselling sessions are concluded, the learned Judge who has been assigned the matter shall endeavour to dispose of the H.M.O.P.No.04 of 2021, within a period of four months from the date of last counselling.

8. Accordingly, this Transfer Civil Miscellaneous Petition is allowed with the above direction. No costs. Consequently, connected civil miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

ssn

To

1.The Principal Judge,
Family Court,
Chennai.



2.The Subordiante Judge,
Paramathy,
Namakkal District.

3.The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

+lcc to Mr.S.Vinoth Kumar, Advocate, Sr.No.15267

Tr.C.M.P.No.693 of 2021
and
C.M.P.Nos.17128 and 17129 of 2021

MG(CO)
RVM(30/03/2022)