



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

Tr.CMP. No.827 of 2021

and

C.M.P.No.19066 of 2021

Dhanalakshmi

...Petitioner/Respondent

Vs

MR.Inbasekaran

...Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the above petition and transfer the H.M.O.P.No.252 of 2021 from the file of Family Court Chengalpattu to the Sub Court Cheyyar

For Petitioner : Mr.V.Manisekaran

For Respondent : Mr.A.Prabhakaran

ORDER

The respondent/wife in a petition for dissolution of marriage filed by the husband on the file of the Family Court Chengalpattu in H.M.O.P.No.252 of 2021 is the petitioner before this Court. The petitioner seeks to withdraw the above proceedings pending on the file of the Family Court Chengalpattu and transfer the same to the file of the Sub Court, Cheyyar.

2. Reasons for seeking the transfer are as follows:

i) The petitioner's mother-in-law and brother-in-law are always instigating the respondent to ask the petitioner to bring more dowry and streedhana from her matrimonial home.

ii) There is no cause of action for filing of the divorce petition at Chengalpattu Family Court.

iii) She would suffer immense physical strain to travel from Vandavasi to Chengalpattu Family Court to attend each and every hearing.

iv) She would also submit in her affidavit that if the proceedings are allowed to continue at Chengalpattu, there is every chance of her being physically assaulted.



3.The learned counsel for the respondent/husband had opposed the transfer stating that the said transfer is nothing but an attempt to harass him.

4.Heard the learned counsel on either side.

5.Considering the fact that the petitioner/wife has given compelling reasons seeking the transfer and also taking into account the fact that the matter is now pending before the Family Court where the presence of parties are necessary, it would be to the benefit and advantage of both the parties, if the matter now pending before the Family Court is transferred to the file of the Sub Court where the presence of the parties for every hearing is not required. Further the respondent/husband is not paying any maintainable to the petitioner.

6.In view of the above circumstances, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.252 of 2021, pending on the file of the Family Court at Chengalpattu, is withdrawn and transferred to the file of the Subordinate Court, Cheyyar. No costs.Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Family Court at Chengalpattu.

2. The Sub Court, Cheyyar.

+1cc to M/s.A.Prabhakaran, Advocate, S.R.No.17232

+1cc to M/s.V.Manisekaran, Advocate, S.R.No.16863

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SKM(CO)

RGA(04/04/2022)