



C.R.P.(PD) No.2963 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P. (PD) No.2963 of 2019

Krishna Devi @ Kannathal

.. Petitioner

Vs.

Veera RK Arunachalam

.. Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order of the Principal Judge dated 31.05.2019 made in Tr.O.P. No.12 of 2019 in which is pending in I Additional Family Court, Chennai and allow the Tr.O.P. No.12 of 2019.

For Petitioner : Mr. A.Arulmozhi

For Respondents : Mr. John
for Mr. S.V.Udayakumar



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ORDER

The above Civil Revision Petition is filed by the wife aggrieved by the order passed by the Principal Judge, Family Court, Chennai, in Tr.O.P. No.12 of 2019 dismissing the application filed to withdraw and transfer the proceedings from the I Additional Family Court, Chennai, to any other Court.

2. The respondent and the petitioner are the husband and wife. The respondent filed O.P. No.1691 of 2013 before the I Additional Family Court, Chennai, for grant of divorce. It is admitted that an *ex parte* decree was passed on 26.11.2015. Later the petitioner wife has filed a petition to set aside the *ex parte* order along with a petition to condone the delay in filing the petition. Though the delay is condoned, it is admitted that the petition to set aside the *ex parte* decree is still pending before the I Additional Family Court, Chennai. During the course of hearing of the application filed by the petitioner, it appears that the petitioner has got some grievance against some of the Court staffs.



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Hence, it is stated that the petitioner was prompted to file a petition in Tr.O.P.

No.12 of 2019, seeking withdrawal of the proceedings from the I Additional Family Court, Chennai to any other Family Court at Chennai. This application was dismissed by the learned Principal Judge, Family Court, Chennai, making some observations. As against the order of dismissal, the above Civil Revision Petition is preferred.

3. Learned counsel for the revision petitioner submitted that the situation before the Court where the original petition is pending, has changed and that the atmosphere is not the same as it was when the petition for transfer was filed by the petitioner. Therefore, learned counsel for the petitioner has no objection for the main petition being heard by the I Additional Family Court, Chennai. However, learned counsel for the petitioner request this Court to direct the learned I Additional Family Judge, to dispose of the application filed by her uninfluenced by any of the observations made by the Principal Family Court, Chennai, while disposing of the Tr.O.P. No.12 of 2019. The request of the counsel appears to be reasonable.



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4. Accordingly, the Civil Revision Petition is dismissed as withdrawn. No costs. The learned I Additional Family Judge, Chennai, is directed to dispose of the proceedings in O.P. No.1691 of 2013 and the suit in O.S. No.266 of 2018, uninfluenced by any of the observations made by the Principal Family Judge, Chennai, in Tr.O.P. No.12 of 2019.

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Speaking order / Non-speaking order
Index: Yes / No
bkn

To

The I Additional Family Judge, Chennai



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S.S.SUNDAR, J.,

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