



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

Tr.C.M.P.No.932 of 2021
and
C.M.P.No.20819 of 2021

K.Sivapriya

... Petitioner/Respondent

-Vs-

P.Rajashankar

... Respondent/Petitioner

PRAYER: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.491 of 2021 on the file of Subordinate Court, Alandur and transfer it to the file of the Family Court, Salem,

For Petitioner : Mr.J.Srinivassan

For Respondent : Mr.M.Vijayanand

ORDER

As directed by this Court by order dated 10.03.2022, the petitioner/wife has filed an affidavit stating that she will not leave the city of Salem till the disposal of H.M.O.P.No.491 of 2021, if gets transferred to the Family Court, Salem.

2.The petitioner has sought for a transfer citing ill health and the fact that she has no place to stay at Alandur, if she is directed to appear before the Court at Alandur. She has further stated that though her employer is at Bangalore she is living with her parents at Salem. Therefore, she would seek to transfer the matter to the Family Court, Salem.

3.The learned counsel for the respondent has vehemently opposed the transfer stating that the petitioner continues to remain in Chennai and the statement made in the affidavit is nothing but a false statement.

4.Hence, this Court directed the petitioner to file an affidavit to that effect that she will continue to remain at Salem within the jurisdiction of Salem till the disposal of the case. An affidavit has also been filed before this Court and



signed by the petitioner and counter signed by the counsel wherein she has stated that she would not be moving out of Salem till the disposal of H.M.O.P.No.491 of 2021 once it is transferred to the Family Court at Salem as the proceedings is at the stage of trial.

Considering the reasons given, the Transfer Civil Miscellaneous Petition is allowed, withdrawing the proceedings in H.M.O.P.No.491 of 2021 on the file of the Family Court, Alandur and transferred to the file of the Family Court, Salem, subject to the condition that the Family Court at Salem, shall not insist on the presence of the respondent/husband for every hearing except for attending the counselling session and for adducing evidence. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Subordinate Judge,
Alandur.

2.The Judge,
Family Court,
Salem.

+1cc to M/s.J.Srinivasan, Advocate, S.R.No.21528

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PL (CO)
SB (14/06/2022)