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Tr.C.M.P.No.1340 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Tr.C.M.P.No.1340 of 2022

and

C.M.P.No.22663 of 2022

S.Lakshmi Narasimhan

... Petitioner

Vs.

Mrs.Bhooma Amirthavalli

... Respondent

Prayer: Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.95 of 2018 from the file of Subordinate Judge, Sub Court, Arani, Tiruvannamalai District, Tamil Nadu and order the same to be tried at Family Court at Chennai, Tamil Nadu.

For Petitioner

: Mr.N.Srinivasa Raghavan

ORDER

The petition for transfer is filed to withdraw the H.M.O.P.No.95 of 2018 from the file of the Subordinate Judge, Sub Court, Arani, Tiruvannamalai District and transfer the same to the Family Court at Chennai.



2. The petitioner/husband states that initially he filed H.M.O.P.No.95 of 2018 for Dissolution of Marriage before the Family Court at Chennai. The respondent / wife filed a transfer petition, which was allowed by this Court and accordingly, the said H.M.O.P.No.95 of 2018 was transferred from III Additional Family Court, Chennai to Sub-Court, Arni. Now, the trial is going on before the Sub-Court, Arni. At this point of time, the petitioner/husband filed the present transfer civil miscellaneous petition once again to withdraw and transfer the H.M.O.P.No.95 of 2018 to the Family Court, Chennai on the ground that the respondent/wife is not co-operating for the speedy disposal of the divorce case filed by the petitioner/husband.

3. It is needless to state that the parties have to co-operate for the early disposal of the cases before the Court in which the case is pending. The Sub-Court, Arni shall not grant unnecessary adjournments to the parties and ensure that the trial is completed as expeditiously as possible. Adjournments are to be granted only on genuine reasons, which must be recorded. Therefore, the parties are expected to co-operate for the disposal of the case without causing any undue delay or drag on the matter without any valid reasons.



4. However, once again, transferring the case from Sub-Court, Arni to Family Court, Chennai would do no service to the cause of justice and the parties cannot be allowed to file such frequent transfer applications to suit their convenience. Therefore, this Court is not inclined to entertain the present transfer petition and accordingly, the Transfer Civil Miscellaneous Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.01.2023

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Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

To

1. The Judge,
Subordinate Court,
Arni,
Tiruvannamalai District.

2. The Judge,
Family Court,
Chennai District.



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S.M.SUBRAMANIAM, J.

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