



Tr.C.M.P.No.529 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Tr.C.M.P.No.529 of 2024

and

C.M.P.No.11932 of 2024

C.S.Saranja

... Petitioner

Vs.

P.S.Purushothaman

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.172 of 2024 pending on the file of learned Sub Court, Ambattur and transfer the same to the learned Family Court at Vellore.

For Petitioner : Mr.B.Sundarapandiyan



Tr.C.M.P.No.529 of 2024

WEB COPY

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.172 of 2024 pending on the file of the Subordinate Court, Ambattur and transfer the same to the file of the Family Court at Vellore.

2.Since the prayer sought for by the petitioner is for the limited extent, notice to the respondent is dispensed with.

3.The learned counsel for the petitioner submitted that the petitioner/divorced wife of the respondent received notice in H.M.O.P.No.172 of 2024 which was filed by the respondent/divorced husband for restitution of conjugal rights. The petitioner employed in Christian Medical College and Hospital, Vellore. Earlier, the petitioner filed divorce petition in F.C.O.P.No.143 of 2023 on the ground of cruelty before the Family Court Vellore. As a counterblast, the present H.M.O.P.No.172 of 2024 filed. He further submitted that in F.C.O.P.No.143 of 2023, the respondent contested the proceedings and after full-fledged trial, the Family Court by judgment, dated 07.03.2024 allowed the petition granting divorce.



Tr.C.M.P.No.529 of 2024

In F.C.O.P.No.143 of 2023, a petition for interim maintenance in I.A.No.4 of 2023 and the same was ordered directing the respondent to pay Rs.13,366/- as interim maintenance and Rs.5,000/- towards litigation expenses on 09.11.2023.

4.He further submitted that though in the restitution of conjugal rights petition in para 6, the respondent refers to F.C.O.P.No.143 of 2023, notice being received on 05.07.2023. Further development with regard to interim maintenance and other proceedings, not mentioned. In all prudence, the Registry of the lower Court ought to have raised objection, got clarified and thereafter, to have numbered the petition, but not raised any such queries on the petition of the respondent. Now, the prayer is that the petitioner is employed in Vellore and earlier proceedings in F.C.O.P.No.143 of 2023 contested before the Family Court at Vellore, hence, H.M.O.P.No.172 of 2024 to be transferred the same Court.

5.In view of the above, this Court withdraws H.M.O.P.No.172 of 2024 from the file of the Subordinate Court, Ambattur and transfers the



Tr.C.M.P.No.529 of 2024

same to the file of the Family Court at Vellore.

WEB COPY

6.In the result, this transfer civil miscellaneous petition stands disposed of. Consequently, connected civil miscellaneous petition is closed.

No costs.

14.06.2024

Speaking Order/Non Speaking Order

Index : Yes/No

Internet : Yes

vv2

Note: Registry is directed to call for report from the learned Subordinate Judge, Ambattur as to what was the explanation and clarification called for regarding para 6 in H.M.O.P.No.172 of 2024 before numbering the petition and issuance of summons. Report to be submitted within ten days from the date of receipt of this communication.

To

1.The Subordinate Court,
Ambattur.

2.The Family Court,
Vellore.



WEB COPY



Tr.C.M.P.No.529 of 2024

M.NIRMAL KUMAR, J.

vv2

Tr.C.M.P.No.529 of 2024

14.06.2024