

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

Transfer CMP Nos.720 & 733 of 2015 and

MP.Nos.1 & 1 of 2015

R.Suresh GopalPetitioner in Tr.CMP 720/15 and
Respondent in Tr.CMP 733/15

versus

S.Kumudha (Deaf and Dum)
Rep by her father, guardian next friend
C.N.AsokanRespondent in Tr CMP 720/15
and Petitioner in Tr CMP 733/15

Prayer in TR.CMP. No.720/15: Petition filed under section 24 of C.P.C., to withdraw the FCOP No.226 of 2015 pending on the file of the Family Court, Salem and transfer the same to the file of Subordinate Court, Poonamalle to try along with HMOP No.272 of 2015.

PRAYER in TR.CMP.No.733/15: Petition filed under section 24 of C.P.C., to withdraw the HMOP No.272 of 2015 from the Subordinate Court, Poonamallee and transfer the same to be tried along with FCOP No.226 of 2015 on the file of Family Court, Salem.

Mr.C.Prabakaran : Petitioner in Tr.Cmp.No.720/2015 and
Respondent in Tr.Cmp.No.733/2015

Mr.B.Ravi : Respondent in Tr.Cmp.No.720/15 and
Petitioner in Tr.CMP No.733/15

COMMON ORDER

The husband filed Transfer CMP.No.720 of 2015 to withdraw the proceedings in FCOP.No.226 of 2015 pending before the Family Court, Salem, and transfer the same to the Subordinate Court, Poonamallee, where the proceedings in HMOP.No.272 of 2015 is pending.

2. The wife, on the other hand filed Transfer CMP.No.733 of 2015 to withdraw the proceedings in HMOP.No.272 of 2015 from

the Subordinate Court, Poonamallee and transfer it to the Family Court, Salem, for disposal along with the FCOP.No.226 of 2015.

3. The learned counsel for the petitioner in Tr.CMP.No.720 of 2015 submitted that the petitioner is now immobilized on account of a motor vehicle accident and as such, it would not be possible for him to appear before the Family Court at Salem for the purpose of defending the proceedings in FCOP.No.226 of 2016.

4. The learned counsel for the wife, who is the petitioner in TR.CMP.No.733 of 2015 submitted that she is deaf and dumb and having two children and as such, it would not be possible for her to appear before the Court at Poonamallee.

5. The factual matrix indicates that both parties are suffering ailments and it would not be possible for them to appear before the concerned Courts regularly. Since, the respondent in Tr.CMP.720 of 2015, is stated to be a deaf and dumb with two minor children, it would be inequitable to transfer the proceedings to a Court at Poonamallee and make her to come from Salem.

6. In view of the precarious position projected above, it would be in the interest of both the parties to transfer the matter to a particular Court for disposal.

7. In the result, the proceedings in HMOP.No.272 of 2015 is withdrawn from the file of Sub-Court, Poonamallee and is transferred to the file of Family Court at Salem for trial along with FCOP.No.226 of 2015.

8. The petitioner in Tr.CMP.720 of 2015 is permitted to make an application before the Family Court, Salem to dispense with his personal presence on account of his immobility. In case, any such application is made, the same shall be favourably considered by the learned Judge, Family Court, Salem. Similarly, his request for appointment of Advocate Commissioner to examine him on commission should also be favourably considered by the learned Judge.

9. The learned Judge, Family Court, Salem is directed to dispose of the proceedings in FCOP.No.226 of 2015 and HMOP.No.272 of 2015 as expeditiously as possible and in any case, within a period of six months from the date of receipt of a copy of this order.

10. The Transfer CMPs are disposed of as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

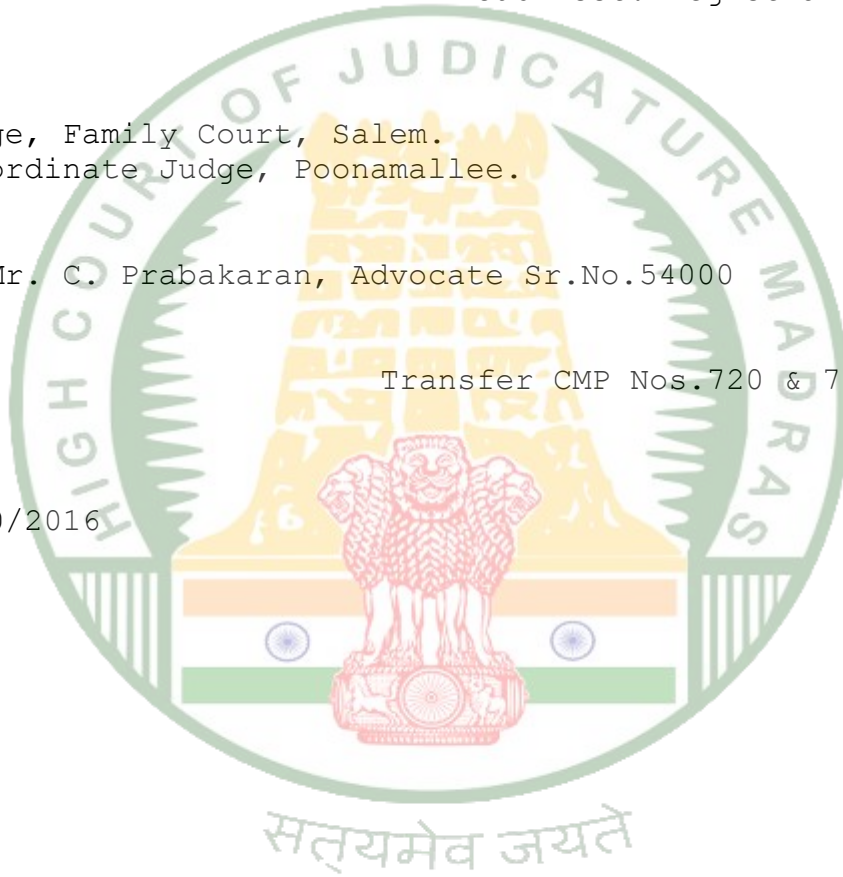
To

- 1.The Judge, Family Court, Salem.
- 2.The Subordinate Judge, Poonamallee.

+1 CC to Mr. C. Prabakaran, Advocate Sr.No.54000

Transfer CMP Nos.720 & 733 of 2015

SV (CO)
MD : 20/10/2016



WEB COPY