

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2017

CORAM :

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P. No.199 of 2017

and

C.M.P.No.3681 of 2017 & C.M.P.No.7340 of 2017

V.Ramakrishnan

...Petitioner

Vs.

Mrs. S.Sudha

...Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw the H.M.O.P No.517/2014 before the Sub Court, Poonamalee and transfer the same to Family Court at Chennai.

For Petitioner : M/s.D.Kamatchi

For Respondent : K.Arunprasad

O R D E R

This petition has been filed to withdraw the H.M.O.P No.517/2014 before the Sub Court, Poonamalee and transfer the same to Family Court at Chennai.

2. The petitioner is the husband and the respondent is the wife. The marriage between the petitioner and the respondent was conducted on 27.10.2006 at Aruna Janaki Mahal, Tambaram, Chennai - 600 045 as per Hindu rites and customs. A male child was born in the wed lock. Due to difference of opinion, both the petitioner and respondent are living separately.

3. The respondent filed HMOP No.571 of 2014 before the Sub Court, Poonamallee for divorce against the petitioner. The petitioner has filed this transfer petition seeking a direction to transfer HMOP.No.517 of 2014 pending on the file of Sub Court Poonamalee to Family Court, Chennai. According to the petitioner, both the petitioner and the respondent are handicapped persons. The petitioner is a deaf person and he can hear only with the help of hearing-aid and the battery will have to be charged every four hours. The petitioner is working as an

Accounts Assistant in M/s.Chitale & Son, situated at Dhun Building, 827 Anna Salai, Chennai - 600 002. The respondent is working at Indian Coast Guard - East Head Quarters, Port Trust Quarters, Near Nappier Bridge, Chennai - 600 009 and it will be convenient for both the parties to attend the hearing at Family Court, Chennai.

4. Heard the learned counsel for the petitioner, respondent and perused the materials available on record.

5. The learned counsel for the respondent denied the various averments made in the transfer petition and submitted that it will be convenient for the respondent if HMOP is heard and decided at Sub Court, Poonamallee. It is further submitted that it is not necessary for both the parties to appear before Sub Court, Poonamallee for each and every hearing of the case and hence prayed for dismissal of the petition.

6. From the materials available on record, it is seen that both the petitioner and the respondent are handicapped persons. The petitioner is working in a private company and the respondent is working in Chennai Port Trust and her office is nearby to the Family Court, Chennai. Taking into consideration the fact that both the parties are handicapped persons, the contentions of the learned counsel for the petitioner and being satisfied with the reasons given by the petitioner for transfer of HMOP No.571 of 2014 from Sub Court, Poonamallee to Family Court, Chennai, this court is of the considered view that the transfer petition has to be allowed.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.517 of 2014 pending on the file of the Sub Court, Poonamallee is hereby withdrawn and transferred to the file of Family Court at Chennai. The learned Subordinate Judge, Poonamallee is directed to send the case bundles to the Family Court, Chennai immediately, after receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rgr/av

To

1.The Subordinate Judge,  
Poonamallee

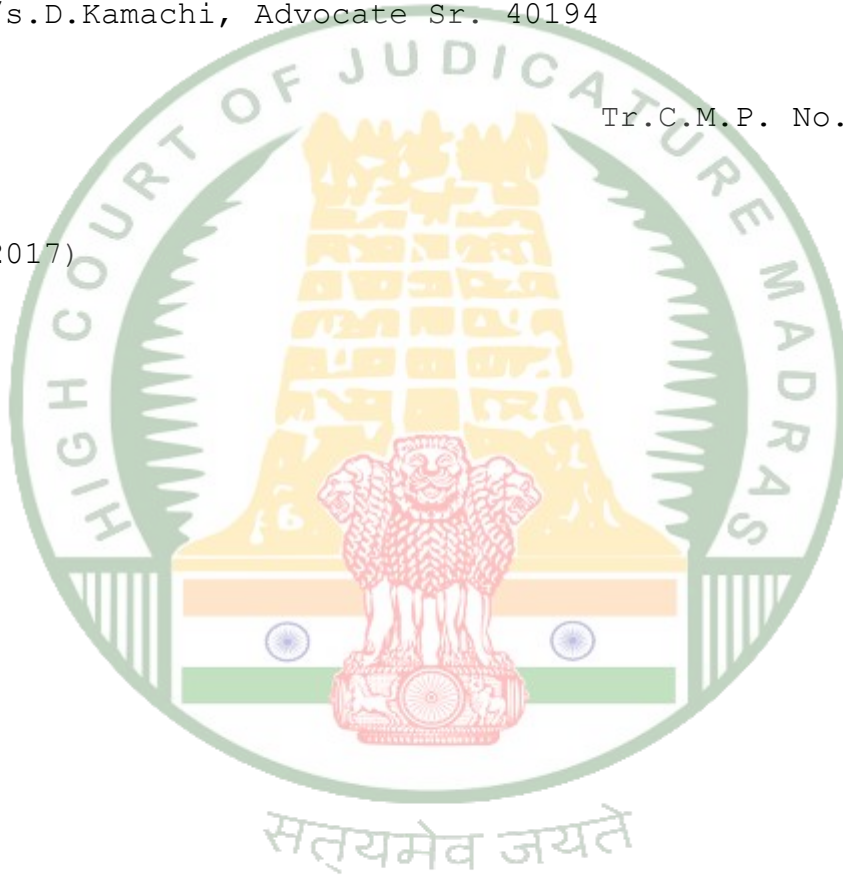
2.The Family Court,  
Chennai

+1cc to M/s.J.Jayachithra, Advocate Sr. 39881

+1cc to M/s.D.Kamachi, Advocate Sr. 40194

Tr.C.M.P. No.199 of 2017

SK(CO)  
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