

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.No.450 of 2017
and C.M.P.No.9225 of 2017

S.Selvakumar .. Petitioner

-Vs-

S.Santhanamari .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C praying to withdraw and transfer the petition in H.M.O.P.No.94 of 2017 on the file of the Sub Court, Thoothukudi to the Family Court, Chennai.

For petitioner ... Ms.R.Kamala Rani

For respondent ... Mr.D.Ponventhan

O R D E R

The husband in a matrimonial dispute is the petitioner seeking transfer of H.M.O.P.No.94 of 2017 pending on the file of the Sub Court, Thoothukudi to the Family Court, Chennai.

2. It is stated by the petitioner that he has got visual impairment and it had gradually got intensified and finally, he lost his eye sight in the year 2011. The certificate issued by the Ophthalmologist, Government Ophthalmic Hospital, Chennai, certifies that the blindness is 100% for the petitioner. Despite the fact that he is visually challenged, the petitioner had married the respondent and a child was also born out of the wedlock. Due to various reasons, it appears that there were some misunderstandings between the couple and they are separated from the matrimonial home. The petitioner/husband is living in Chennai, whereas the respondent/wife is living in Thoothukudi. Therefore, the respondent/wife had filed H.M.O.P.No.94 of 2017 on the file of the Sub Court, Thoothukudi for dissolution of marriage held between them on 18.11.2010. There seems to be earlier proceedings between the parties with respect to the custody of the child. O.P.No.301 of 2017 was filed by the petitioner herein for custody of the minor child, who is now with the mother. The said O.P. is also pending before the Original Side of this Court. As it is difficult for the petitioner, who is visually challenged to travel more than 600

kilometers to reach Thoothukudi, the above transfer petition is filed.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. Learned counsel for the respondent/wife has also stated that it would be equally difficult for her to travel to Chennai to attend each of the hearings, if the H.M.O.P. is transferred to the Family Court, Chennai. The parties are also not agreeable for any place via media for both of them. However, considering the fact that the petitioner is totally blind and cannot travel without a person accompanying him and considering the fact that the convenience of the parties is paramount, this Court is inclined to transfer H.M.O.P.No.94 of 2017 from Sub Court, Thoothukudi to the Family Court, Chennai.

5. Accordingly, the transfer petition is allowed and H.M.O.P.No.94 of 2017 pending on the file of the Sub Court,

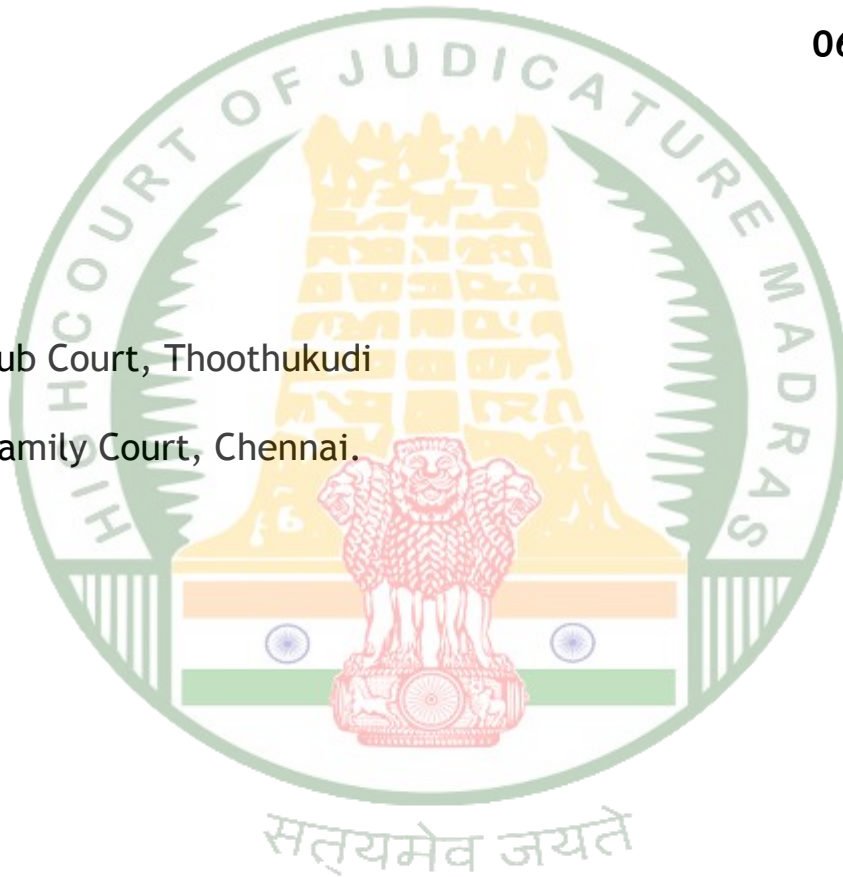
Thoothukudi shall stand withdrawn and transferred to any of the Family Court, Chennai. No costs. Consequently, connected miscellaneous petition is closed.

06.10.2017

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To

1. The Sub Court, Thoothukudi
2. The Family Court, Chennai.

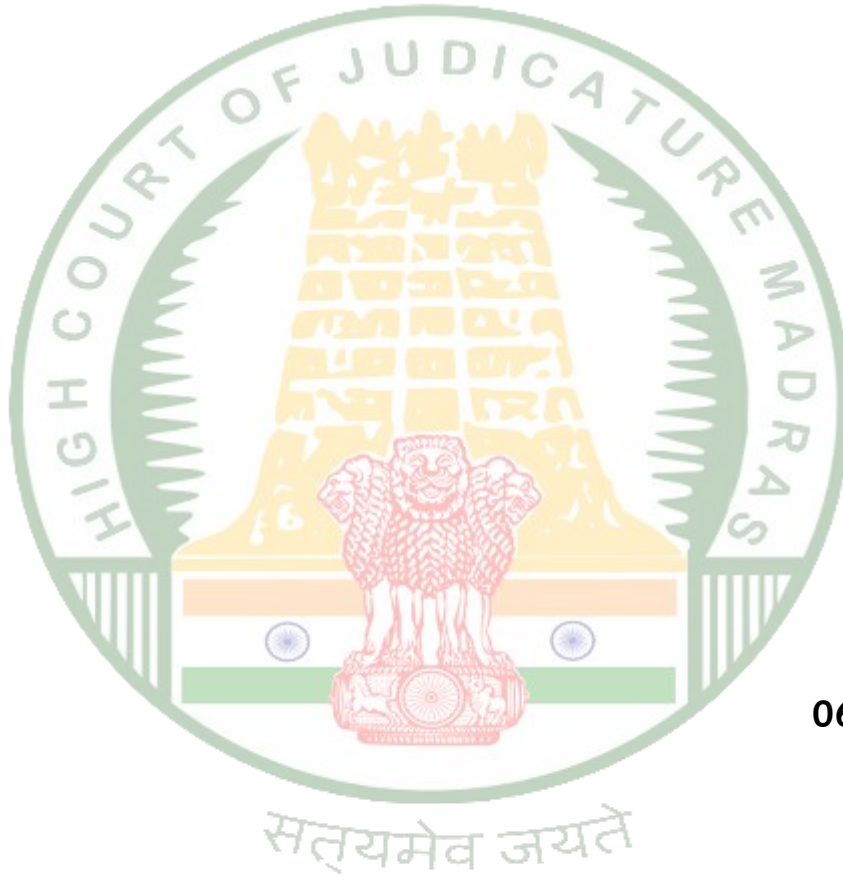


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PUSHPA SATHYANARAYANA.J

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