

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Tr.C.M.P.No.725 of 2017
and C.M.P.No.14823 of 2017

Hemachandran Karah

.. Petitioner

Vs.

Geetha Subburai

.. Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P.No.1304 of 2016 pending on the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.D.Prasanna
for M/s.Giridhar and Sai

For Respondent : Mr.J.Pratheep

O R D E R

This Transfer Civil Miscellaneous Petition has been filed to withdraw H.M.O.P.No.1304 of 2016 pending on the file of the Family Court, Coimbatore and transfer the same to the file of the Family Court, Chennai.

2.The petitioner is the husband and respondent is the wife. The petitioner has filed H.M.O.P.No.1304 of 2016 on the file of the Family Court, Coimbatore against the respondent for divorce. According to the petitioner, he is suffering from Glaucoma, tuberculosis of the peretonium, Repetitive Strain injury (RSI) of the hands and peripheral neuropathy. Further, he is now working in IIT Madras and residing at Chennai. Hence, he is finding it very difficult to travel to Coimbatore from Chennai to attend each and every hearing. He further contended that the respondent is hale and healthy and it will not be difficult for her to attend the hearings before the Court at Chennai. In addition to that, the petitioner has made various allegations against the respondent, her mother and sister.

3.The learned counsel for the respondent submitted that the respondent is residing at Coimbatore. The distance between Coimbatore and Chennai is more than 500 Kms and being a lady it will be very difficult for her to travel from Coimbatore to Chennai if H.M.O.P.No.1304 of 2016 is transferred to Chennai.

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

5.From the materials on record, it is seen that the petitioner had worked at Cambridge, U.K and New Delhi. At present, he is working in IIT Madras. H.M.O.P.No.1304 of 2016 filed by the petitioner is of the year 2016. Considering the contention of the learned counsel for the respondent and the judgment of the Hon'ble Supreme Court in the judgments reported in 2008 (9) SCC 353 [Arti Rani @ Pinki Devi and another Vs. Dharmendra Kumar Gupta] and AIR 2002 SC 396 [Sumita Singh Vs. Kumar Sanjay and another] that convenience of the wife must be given preference, instead of transferring H.M.O.P.No.1304 of 2016 to Chennai, it is suffice to direct the learned Judge, Family Court, Coimbatore to dispose of the H.M.O.P.No.1304 of 2016 on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. The petitioner is permitted to appear through an Advocate and his appearance is dispensed with till the H.M.O.P.No.1304 of 2016 is taken up for final hearing. The petitioner is directed to appear before the Court for letting in evidence and as and when required by the Court.

6.With the above direction, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gsa

To

The Judge, Family Court, Coimbatore

+1cc to M/s.Giridhar and Sai, Advocate, S.R.No.36850

+1cc to Mr.P.Saravana Sowmiyan, Advocate, S.R.No.36474

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BM 02/07/2018



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