

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2018

CORAM :

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P. Nos.14 and 15 of 2018

and C.M.P.Nos.205 to 208 of 2018

Vedant Venkatesh

... Petitioner in
both Tr.CMPs.

Vs.

Srinidhi Rajagopal

... Respondent in
both Tr.CMPs.

Prayer:- Petitions are filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.47 of 2017 and G.W.O.P.No.405 of 2017 pending on the file of the Principal Family Court, Coimbatore and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.R.Thiagarajan
For Respondent : Mr.B.Karthikeyan

COMMON ORDER

These petitions are filed to withdraw H.M.O.P.No.47 of 2017 and G.W.O.P.No.405 of 2017 pending on the file of the Principal 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 marriage between the petitioner and respondent was conducted on 22.11.2009 as per Hindu rites and customs. In the wedlock, a female child was born on 19.04.2011. Due to difference of opinion, both the petitioner and respondent are living separately. The respondent filed H.M.O.P.No.47 of 2017 on the file of the Principal Family Court, Coimbatore, for divorce, against the petitioner on the ground of cruelty and desertion. The petitioner has filed G.W.O.P.No.405 of 2017 on the file of the Principal Family Court, Coimbatore, for custody of the minor daughter namely, V.Vakshasthala.

3. According to the petitioner, both the petitioner and respondent are working in Dubai. Suppressing the fact that the respondent is working in Dubai, she has also filed an application against the petitioner claiming maintenance and filed H.M.O.P.No.47 of 2017 on the file of the Principal Family

Court, Coimbatore, for divorce. The respondent left the minor daughter under the care and custody of her parents, who are residing in Coimbatore. Therefore, the minor daughter lost love and affection of her parents. There is no direct flight from Coimbatore to Dubai and he should take two flights to reach Coimbatore to attend the Court proceedings, which would approximately take 9 to 10 hours. Both the petitioner and respondent are working in Dubai and therefore, it will be convenient for them, if both H.M.O.P.No.47 of 2017 and G.W.O.P.No.405 of 2017 are transferred from the file of the Principal Family Court, Coimbatore to the file of the Family Court, Chennai. There are direct flights from Dubai to Chennai and will take only four hours to reach Chennai. Further, the learned Judge, Family Court, Chennai may be directed to dispense with the appearance of the parties except at the time of trial and may be directed to dispose both the petitions at the earliest. The learned counsel for the petitioner submitted that the petitioner may be permitted to visit minor daughter. In the circumstances, the petitioner has come out with the present Tr.C.M.Ps. to transfer both H.M.O.P.No.47 of 2017 and G.W.O.P.No.405 of 2017 pending on the file of the Principal Family Court, Coimbatore, to the file of the Family Court, Chennai.

4.The learned counsel for the respondent submitted that it is difficult for the respondent to reach Chennai to conduct both H.M.O.P. and G.W.O.P. and only to drag on the proceedings, the petitioner has come out with the present Transfer Petitions. The minor daughter is residing in Coimbatore and she is studying in a school at Coimbatore and studies of minor daughter will be affected, if she will travel to Chennai with regard to G.W.O.P. filed by the petitioner. The minor daughter is being looked after well by the parents of the respondent in Coimbatore and prayed for dismissal of the transfer petitions.

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

6.From the records, it is seen that the petitioner has come out with the present transfer petitions on the ground of convenience of petitioner and respondent as both of them are working in Dubai and it will be convenient for both the parties to appear before the Family Court, Chennai and also prayed for dispensing with the personal appearance of the parties. It is an admitted fact that the minor daughter is under the care and custody of the parents of the respondent and she is studying in a school at Coimbatore. The respondent has not stated that it will not be difficult for the minor daughter to travel to Chennai during trial of G.W.O.P.

7.It is well settled principle that paramount interest of the minor has to be taken into consideration while considering the petition for custody of minor. Further, the learned counsel for the petitioner has prayed for dispensing with the personal appearance of the parties, if the matter is heard jointly before the Family Court, Chennai and also for speedy disposal of both the petitions.

8.Taking into consideration the residence of the minor daughter is at Coimbatore and paramount interest of the minor and her education should not be affected, the learned Principal Judge, Family Court, Coimbatore, is directed to dispense with the personal appearance of both the petitioner and respondent till the trial commence except when the Court directs them to appear before commencement of trial. The parents are directed to appear before the Court at the time of trial and as and when so directed by the learned Judge. Further, the learned Principal Judge, Family Court, Coimbatore, is directed to hear both H.M.O.P.No.47 of 2017 and G.W.O.P.No.405 of 2017 jointly and dispose of the same as expeditiously as possible in any event not later than six months from the date of receipt of a copy of this order.

9.On 18.04.2018, this Court directed both the petitioner and respondent to appear before this Court along with the minor daughter on 20.04.2018. On 20.04.2018, the petitioner was present and respondent was not present. The learned counsel for the respondent submitted that the respondent left Dubai and parents of the respondent will bring the child before this Court on 27.04.2018. On 23.04.2018, the learned counsel for the respondent requested the matter to be listed on 25.04.2018 instead of 27.04.2018, as the mother of the respondent and minor daughter are going to Dubai on 26.04.2018. Today, this matter is listed for hearing and mother of the petitioner and mother of the respondent along with the minor child are present.

10.The learned counsel for the respondent contended that the minor daughter and mother of the respondent are leaving for Dubai on 26.04.2018. The respondent has no objection to take the child to meet the petitioner at a common place, viz. Sahara Shopping Mall, Dubai from 10.00 A.M. to 2.00 P.M. on 04.05.2018 and 11.05.2018 and also made an endorsement to that effect.

11.In view of the endorsement made by the learned counsel for the respondent, the respondent is directed to take the child to meet the petitioner at Sahara Shopping Mall, Dubai at 10.00 A.M. to 2.00 P.M. on 04.05.2018 and 11.05.2018.

12.With the above direction, both the Transfer Civil Miscellaneous Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CO)

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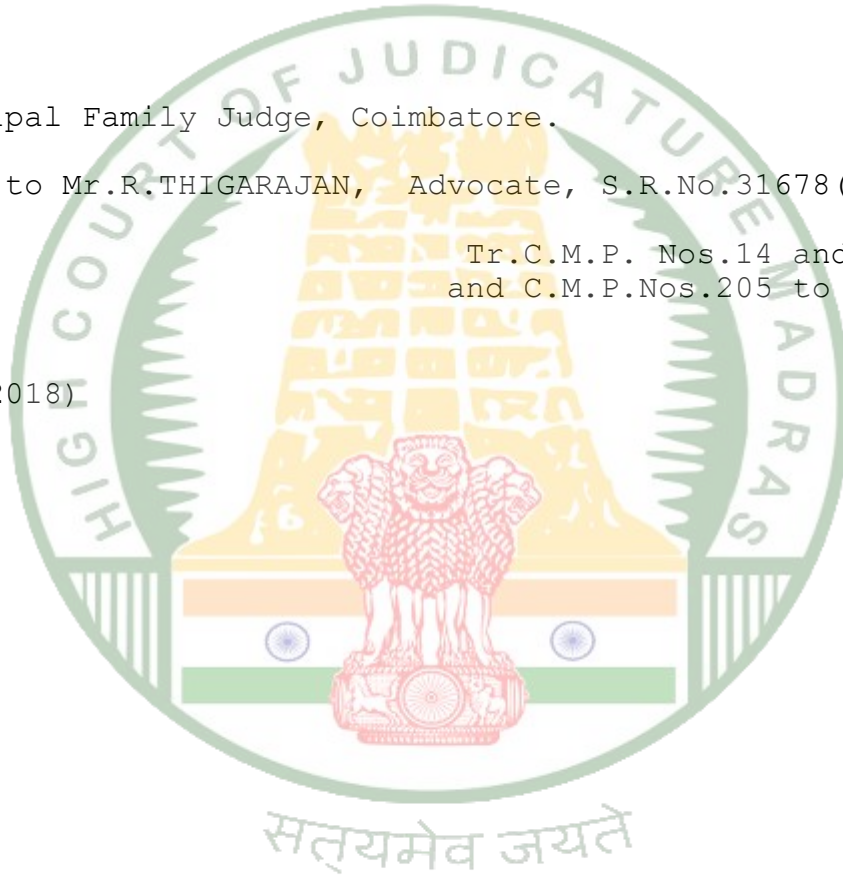
Sub Assistant Registrar

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To
The Principal Family Judge, Coimbatore.

+2cc to Mr.R.THIGARAJAN, Advocate, S.R.No.31678(28.04.2018)

Tr.C.M.P. Nos.14 and 15 of 2018
and C.M.P.Nos.205 to 208 of 2018

NR (CO)
TR (26/04/2018)



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