

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

TR.C.M.P.No.731 of 2018
& CMP.No.17885 of 2018

Hemalatha

.. Petitioner

Vs.

Anandkumar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 CPC to withdraw HMOP.No.59 of 2018 from the file of the Principal Subordinate Judge, Cuddalore and transfer the same to the file of learned Judge, Family Court, Chennai.

For petitioner : Mr.M.R.Jothimanian

For respondent : Mr.L.Poovendra Perumal for
Mr.T.Saikrishnan

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw HMOP.No.59 of 2018 pending on the file of learned Principal Subordinate Judge, Cuddalore and to transfer the same to the file of the learned Judge, Family Court, Chennai.

2. The petitioner is the wife and the respondent is her husband. The marriage between the petitioner and respondent was solemnized on 02.11.2015 at Subbulakshmi Thirumanamandapam, Nellikuppam Road, Cuddalore as per Hindu rites and customs. After the marriage, both the petitioner and the respondent lived together at Cuddalore and as of now, the respondent is employed as a Software Engineer at Bangalore. After some time, from the date of marriage, due to the difference of opinion arose between the petitioner and the respondent, the petitioner left the matrimonial home and living separately alongwith her parents at Medavakkam, Chennai.

3. In the meanwhile, the respondent has filed a petition against the petitioner, under Section 13(1)(ia) & 13 (1) (iii) of the Hindu Marriage Act 25/1955, seeking the relief of

annulling the marriage happened between them on 02.11.2015. The said petition is now pending on the file of the learned Principal Subordinate Judge, Cuddalore in HMOP No.59 of 2018. In the said circumstances, the petitioner approached this Court by way of filing the present petition to transfer the said proceedings pending on the file of the learned Principal Subordinate Judge, Cuddalore to the file of Family Court, Chennai.

4. According to the petitioner, the distance between Chennai and Cuddalore is about 250 kilometers, being a lady, it is very difficult to her for attending the Court proceedings pending on the file of the learned Principal Subordinate Judge, Cuddalore. More over, she is not having any individual income to meet out the transport expenses and hence, allowing this application is convenient for the petitioner to proceed the case in accordance with law.

5. On the other hand, the learned counsel for the respondent would contend that since the respondent is working as Software Engineer at Bangalore, it is very difficult for him to attend the Court proceedings at Chennai. Apart from that, in the counter affidavit filed by the respondent, he made serious allegations against the petitioner, however, since the said allegations are pertaining to their matrimonial life, the same has to be dealt with only by the trial Court. Now, the only question before this Court is as to whether the petitioner is projected sufficient cause for withdrawing HMOP No.59 of 2018, pending on the file of the learned Principal Subordinate Judge, Cuddalore and to transfer the same to the file of Family Court, Chennai. It is true that the petitioner being a lady, it is very difficult for her to travel the distance of 250 kilometers to attend the Court proceedings at Cuddalore. Further, as of now, she is depending on her parents for her day-today expenses. But at the same time, it is necessary to born- in- mind that the respondent was working at Bangalore. So considering the situation of both the petitioner and the respondent, this Court is of the opinion that it is appropriate to transfer HMOP.No.59 of 2018 pending on the file of learned Principal Subordinate Judge, Cuddalore to the file of the learned Subordinate Judge, Poonamalli as it is very convenient to the petitioner as well as to the respondent in attending the Court proceedings. Accordingly, this Court is inclined to allow this petition.

6. In view of the above, this petition is allowed. The learned Principal Subordinate Judge, Cuddore is directed to transmit all the records pertaining to H.M.O.P.No. 59 of 2018 to the file of learned Subordinate Judge, Poonamalli within a period of two weeks from the date of receipt of a copy of this order. On receipt of such records, the learned Subordinate

Judge, Poonamalli, is directed to dispose of the case as expeditiously as possible preferably within a period of six months. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Judge, Cuddalore

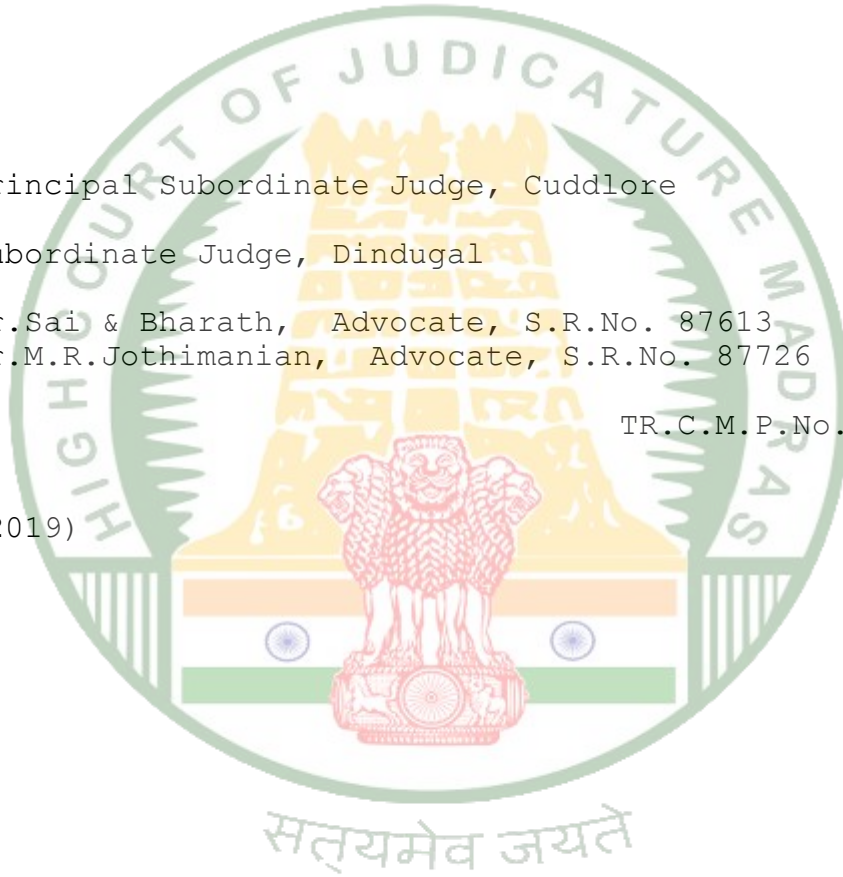
2. The Subordinate Judge, Dindugal

+1cc to Mr.Sai & Bharath, Advocate, S.R.No. 87613

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No. 87726

TR.C.M.P.No.731 of 2018

GN(09/01/2019)



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