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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.85 of 2019
and
C.M.P.No.3040 of 2019

Kalaipriya

... Petitioner

Vs.

R.Saravanan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw H.M.O.P.No.781 of 2018, pending on the file of the Sub-Court, Poonamallee, and to transfer the same to the file of the Family Court, Chennai.

For Petitioner : Ms.Meera Gupta
For Respondent : Ms.S.Sridevi

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.781 of 2018 on the file of the learned Sub Court, Poonamallee, and to transfer the same to the file of the learned Family Court, Chennai.

2. The petitioner is the wife and the respondent is the husband. The above said H.M.O.P.No.781 of 2018 was filed by the husband seeking restitution of conjugal rights.

3. It is submitted by the learned counsel for the petitioner/wife that after the marriage was solemnized on 18.10.2012 between the parties as per the Hindu's Customs and Rites, they were living together at Hyderabad as the respondent/husband was working at Deloittee in Hyderabad. However, during May, 2014, she came to Chennai for her first delivery at her parental home and they were also blessed with a male child on 22.07.2014. But, since the child has some speech issues, they were treating the child for speech therapy and occupational therapy. However, they were finding it difficult to take treatment at Hyderabad and therefore, after getting permission from the respondent/husband, she came to Chennai and she is now residing at her parental house, Chennai. Besides, the respondent/husband gave permission to her to pursue Ph.D.



Course at Anna University and thereafter, she has been pursuing the same course from April, 2017 onwards. Simultaneously, she has also started medical treatment for her son in a specialty hospital, namely, Nishta Integrated Neuro Development Centre, Alwarpet, Chennai. Whiles, all of a sudden, the respondent/husband has filed the above said HMOP seeking restitution of conjugal rights.

4. Taking note of the aforesaid facts and circumstances of the case and also taking note of the above said HMOP filed by the husband seeking restitution of conjugal rights, this Court directed both the parties to appear before me on 27.06.2019 at 2.15 p.m. in the Chamber. Accordingly, they have appeared and interestingly, both the parties stated that they are ready for reunion, but, the respondent/husband has insisted the petitioner/wife to come and live with him in Bangalore and he further stated that if his son lives with him, then his son would be able to speak quickly and there is no need for taking treatment for speech therapy. On the other hand, the petitioner/wife has stated that as she is pursuing her final year Ph.D. Course at Anna University, Chennai, it is not possible for her to live with him in Bangalore and she further stated that she has to take care of her son by taking treatment only in Chennai. Only due to such difference of opinion, they are not willing for reunion.

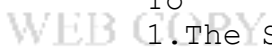
5. Therefore, this Court, considering the fact that the petitioner/wife is studying at Chennai and also taking treatment for her son at Chennai, is inclined to allow the prayer for the convenience of the petitioner/wife. Accordingly, H.M.O.P.No.781 of 2018 filed by the husband is withdrawn from the file of the learned Sub-Court, Poonamallee, and consequently, transferred to the file of the learned Family Court, Chennai. On such transfer, the learned Family Court, Chennai, shall dispose of the same in the manner known to law as expeditiously as possible.

5. With the above direction, the present Transfer Civil Miscellaneous Petition is allowed. Consequently, connected C.M.P.No.3040 of 2019 is closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar



To

2.The Judge
Family Court, Chennai.

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and
C.M.P.No.3040 of 2019

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