

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:21.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

TR.CMP.NO.145 of 2019

and

C.M.P.NO.4866 OF 2019

K.Revathi

... Petitioner/Respondent

Vs.

M.Arunkumar

...Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw H.M.O.P.No.34 of 2019 on the file of the Family Court, Puducherry and transfer the same to the file of Family Court, Chennai.

For petitioner : Mr.K.Sasindran

For Respondent : M.Vaikunth

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw H.M.O.P.No.34 of 2019 on the file of the Family Court, Puducherry and transfer the same to the file of Family Court, Chennai.

2. The petitioner is the wife. The respondent / husband filed a petition for divorce before Family Court, Puducherry. It is evident from the divorce petition filed by the husband that the petitioner / wife is residing at Chennai. Now that the petitioner / wife states that she has an eight months old infant and finds it very difficult to travel from Chennai to Puducherry for every hearing. In view of the physical and mental hardships caused to her, she seeks transfer of the case from Puducherry to Chennai.

3.The learned counsel for the respondent would submit that the respondent / husband is employed at Bangalore and it is very difficult for him to travel from Bangalore to Chennai.

4. From the facts it is seen that respondent has to travel

from Bangalore to attend the case. Hence, this transfer of case will not cause prejudice to him, for, he can travel to Chennai and that it is more convenient. Therefore, this Court is inclined to transfer the case from Puducherry to Chennai. Accordingly, H.M.O.P.No.34 of 2019 pending on the file of Family Court, Puducherry is withdrawn and transferred to Family Court, Chennai. The learned Judge, Family Court, Puducherry is directed to transfer the files to the Family Court, Chennai, forthwith. On receipt of the papers, the Principle Judge, Family Court, Chennai, shall renumber the same and allot the same to the appropriate Court. Further, a direction is issued to complete the trial as expeditiously as possible.

5. The respondent / husband is given liberty to file appropriate application before the Trial Court, to dispense with his personal appearance. In case, any such application is filed, the same shall be considered and disposed of by the learned Trial Judge, taking into account the difficulties projected by the petitioner.

6. The Transfer Civil Miscellaneous Petition is disposed of with the above directions. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

bkn

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Judge,
Family Court,
Puducherry.

2.The Judge,
Family Court, Chennai. सत्यमेव जयते

+1cc to Mr.M.Vaikunth, Advocate, SR.No.26969

+1cc to Mr.K.Sasindran, Advocate, SR.No.27975

WEB COPY

TR.CMP.NO.145 of 2019
and
C.M.P.NO.4866 OF 2019

Kak (25/07/2019)