

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.218 of 2019

and

C.M.P.No.6531 of 2019

Mrs.Sangeetha

... Petitioner / Respondent

Vs.

Mr.S.Suresh Kumar

... Respondent / Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.244 of 2018 pending on the file of the Sub-Ordinate Judge, Ponneri and transfer the same to the file of V Additional Family Court, Chennai, to be tried along with O.P.No.4638 of 2018.

For Petitioner : Mr.Ralph V.Manohar

For Respondent : Mr.M.L.Ramesh

ORDER

The petitioner/wife has filed this petition, seeking transfer of H.M.O.P.No.244 of 2018 from the file of the Sub-Ordinate Judge, Ponneri, to the file of the V Additional Family Court, Chennai, to be tried along with O.P.No.4638 of 2018.

2. It is stated in the affidavit filed in support of this petition that the marriage between the petitioner and the respondent was solemnized on 09.06.2016 at Deepan Thirumana Mandapam, Panchetti Salai (Near Petrol Bunk), Ponneri, as per Hindu Rites and Customs. The respondent working as a Software Engineer in Cognizant Technology Solutions, Tidel Park, Chennai and he is earning a monthly salary of Rs.75,000/-. Due to matrimonial dispute between the petitioner and the respondent, the respondent was not interested to continue the life with the

petitioner and therefore, to avoid her presence, he went to Coimbatore, stating that he has got a transfer of job to Coimbatore. Thereafter, the petitioner came to know that the respondent was having a illegal relationship with one Raveena in Coimbatore and also the petitioner came to know that the respondent had cheated that girl stating that he was not married. When the petitioner had informed the same to the parents of the respondent, they were not willing to help her and therefore, she filed a petition for divorce before the V Additional Judge, Family Court at Chennai in O.P.No.4638 of 2018 on the grounds of cruelty and the same is pending for counselling.

3. It is also stated in the affidavit that the petitioner is residing in the above address within the jurisdiction of the Family Court, Chennai and she is also taking care of her ailing mother who is suffering from cancer. Since the respondent also filed a petition for divorce, before the Sub-Ordinate Judge at Ponneri in H.M.O.P.No.244 of 2018, she is not able to travel to Ponneri for appearance leaving her ailing mother alone in Chennai. Therefore, she seeks for transfer of H.M.O.P.No.244 of 2018 from the file of the Sub-Ordinate Judge, Ponneri, to the file of the V Additional Family Court, Chennai, to be tried along with O.P.No.4638 of 2018.

4. Denying all the allegations of the petitioner, the respondent has filed a counter affidavit and submitted that since he is the project head of his company, he is not supposed to take leave frequently, and if he takes leave frequently, it would lead to removal of his service by the Management. Hence, he sought for dismissal of this transfer petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. It is seen that the petitioner and the respondent are husband and wife, and due to matrimonial dispute, the petitioner has filed a petition for divorce before the V Additional Judge, Family Court at Chennai in O.P.No.4638 of 2018, whereas, the respondent has filed a petition for divorce before the Sub-Ordinate Judge, Ponneri, in H.M.O.P.No.244 of 2018. However, since both the petitioner and the respondent are residing at Chennai, this Court is inclined to transfer the H.M.O.P.No.244 of 2018 pending on the file of Sub-Ordinate Judge, Ponneri, to the file of V Additional Family Court, Chennai, to be tried along with O.P.No.4638 of 2018 pending before the same Court.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.244 of 2018 pending on the file of the Sub-Ordinate Judge, Ponneri, is withdrawn and transferred to the file of the V Additional Family Court, Chennai, to be tried

along with O.P.No.4638 of 2018 pending before the same Court. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(DR CJ conf)

//True Copy//
Sub Assistant Registrar

raja
To

1.Sub-Ordinate Court,
Ponneri.

2.V Additional Family Court,
Chennai.

+1cc to Mr.Ralph V.Manohar, Advocate SR.75910
+1cc to Mr.Ralph V.Manohar, Advocate SR.75910(31/10/2019)

TR.C.M.P.No.218 of 2019
and
C.M.P.No.6531 of 2019

BS(CO)
CB(10/10/2019)