

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.259 of 2019

and

C.M.P.No.7555 of 2019

K.Gomathi ... Petitioner/Respondent

Vs.

S.Saravanakumar ... Respondent/Petitioner

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw the pending case in H.M.O.P.No.244 of 2018 on the file of the Sub-Court, Tuticorin, and to transfer the same to the file of the Family Court, Tiruvallur.

For Petitioner : Mr.B.Sivaraman

For Respondent : Mr.M.Thamizhavel

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.244 of 2018, pending on the file of the learned Sub Court, Tuticorin, and to transfer the same to the file of the learned Family Court, Tiruvallur.

2. The petitioner is the wife and the respondent is the husband. The above said H.M.O.P.No.244 of 2018 was filed by the respondent/husband seeking for divorce.

3. Learned counsel appearing for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 19.06.2013 at Tuticorin as per the Hindu's Rites and Customs. The respondent/husband is working as Police Constable in Chennai and after their marriage, they were living at the police quarters, Chennai, and out of the said wedlock, a baby girl was born on 16.06.2015. Whiles, all of a sudden, now the respondent/husband has filed the above said H.M.O.P.No.244 of 2018 on the file of the learned Sub-Court, Tuticorin, seeking for divorce. It is further stated that as the petitioner/wife is having 3 year old baby girl, it is not feasible for her to travel from Chennai to Tuticorin to attend

each and every hearing and on the other hand, the respondent/husband is working only in Chennai as Police Constable, therefore, the above said HMOP filed by the husband may be transferred to the file of Family Court, Tiruvallur.

4. Learned counsel for the respondent/husband submitted that while the respondent was serving as Police Constable, he met with an accident, as a result of the same, he has suffered grievous injuries in his right hand and to substantiate the same, he has also enclosed the photographs and it shows that he has sustained injuries in his right hand. In my view, the injury sustained by him in his right hand is nothing to do with the travelling.

5. Thus, considering the fact that the respondent/husband is also working in Chennai, this Court finds no impediment in transferring the matter as prayed for. Accordingly, H.M.O.P.No.244 of 2018 is withdrawn from the file of the learned Sub-Court, Tuticorin, and consequently, transferred to the file of the learned Family Court, Tiruvallur. On such transfer, the learned Family Court, Tiruvallur, shall dispose of the same in the manner known to law as expeditiously as possible, preferably within a period of six months from the date of receipt of the case bundle.

6. With the above direction, the present Transfer Civil Miscellaneous Petition is allowed. Consequently, connected C.M.P.No.7555 of 2019 is closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

rkm
To

- 1.The Subordiante Judge, Sub Court, Tuticorin.
- 2.The Judge, Family Court, Tiruvallur.

+1 cc to Mr.R.Sivaraman, Advocate, Sr.No. 48790
+1 cc to Mr.M.Thamizhavel, Advocate, Sr.No. 48830

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GN(CO)
CSL/10.07.2019