

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2019

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

TR.CMP.NO.273 OF 2019
AND CMP NO.7839 OF 2019

P.Lavanya

... Petitioner

Vs.

K.Jagadeesh

... Respondent

PRAYER: Petition filed under Section 24 of the Civil Procedure Code to withdraw the proceedings in HMOP No.637 of 2019 pending on the file of III Additional Family Court, Chennai and transfer the same to the Sub Court, Tambaram.

For Petitioner : Mr.C.T.Mohan
For Respondent : Mr.D.Manimaran

O R D E R

This Transfer Civil Miscellaneous Petition is filed by the petitioner seeking to withdraw HMOP No.637 of 2019 pending on the file of III Additional Family Court, Chennai and transfer the same to the Sub Court, Tambaram.

2. The petitioner is the wife. The respondent / husband filed a petition for divorce on certain grounds including mental illness. The petitioner is a resident of Pozhichalur, which is near to Tambaram. The respondent / husband is a resident of Anna Nagar, Chennai. Before the Family Court, the petitioner has to appear for each and every hearing. If the case is transferred to the jurisdictional Court at Tambaram, they can engage lawyer and conduct the case.

3. The respondent / husband would vehemently contend that travelling from Pozhichalur to Chennai is not too difficult and that there is a difference of only 20 Kms. Secondly, he is employed in a private T.V. Show Room and transfer of the case will affect his employment. Further, the petitioner has left her two years old daughter with him and it will cause physical

hardship for him and to his child also. The present petition is filed only with an intention to harass the respondent/ husband and he seeks dismissal of this petition.

4. I have heard the submissions made on either side and perused the materials available on record.

5. Admittedly, the respondent / husband alleges that the petitioner/wife is suffering from mental illness. Further, her travel from Pozhichalur to Chennai is not convenient for her when compared to travel to Sub Court, Tambaram. Considering the employment of the respondent, this Court is of the opinion that it will be more convenient for him to contest the case at Sub Court, rather than before Family Court, where his presence is mandatory. He may have to apply for leave or permission for the hearings.

6. Considering the allegations of mental illness, physical hardship caused to the petitioner / wife and also the convenience of the respondent, this Court is inclined to transfer the case from III Additional Family Court, Chennai to Sub Court, Tambaram.

7. Accordingly, HMOP No.637 of 2019 pending on the file of III Additional Family Court, Chennai is withdrawn and transferred to the Sub Court, Tambaram. The learned Sub Judge, Tambaram, is directed to renumber the petition; issue notice to both the parties and continue the proceedings from the stage where it stands and dispose of the same, as expeditiously as possible.

8. The Transfer Civil Miscellaneous Petition is disposed of accordingly. No costs. Consequently, connected civil miscellaneous petition is closed.

Sd/-

Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

TK

To

1.The III Additional Family Judge
Family Court, Chennai.

2.The Sub Judge
Tambaram.

+1cc to Mr.C.T.Mohan, Advocate sr.41718

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