

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.276 of 2019

V.Deepika

.. Petitioner

-vs-

J.Karthik

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.458 of 2019 pending on the file of the V Additional Family Court at Chennai and transfer the same to the file of Family Court, Perambalur District.

For Petitioner :: Mr.T.Seenivasan

For Respondent :: Ms.D.Geetha

ORDER

Mrs.V.Deepika, Wife of Mr.J.Karthik, the respondent herein has come to this Court seeking transfer of the pending H.M.O.P.No.458 of 2019 from the file of V Additional Family Court, Chennai to the Family Court at Perambalur, on the ground that the petitioner being a lady aged about 26 years is having a 2 year old boy. Secondly, the distance between Chennai to Perambalur is about 600 kms., to and fro, therefore, it will be very difficult to undertake a long journey every now and then with the child aged about two years. Thirdly, it is always convenient for the respondent at least for the sake of the child to come to Perambalur Court. The petitioner has also filed M.C.No.4 of 2019, which is pending on the file of learned Chief Judicial Magistrate, Perambalur. Therefore, in the interest of the child, due to the long distance of 600 kms., to and fro, the matter may be transferred to the Family Court at Perambalur.

2. A detailed counter affidavit has been filed by the respondent. The learned counsel for the respondent submitted that as against the maintenance case filed by the petitioner in M.C.No.4 of 2019, CrI.O.P.No.18054 of 2019 has been filed by the respondent and an order of stay has been granted and the matter is again listed on 1.8.2019 before this Court. Therefore, the

request for transfer from the V Additional Family Court, Chennai to the Family Court, Perambalur should not be entertained.

3. But this Court is unable to find any justification on the part of the respondent to oppose the prayer for transfer of the H.M.O.P.No.458 of 2019 from the V Additional Family Court, Chennai to the Family Court at Perambalur, for the following three reasons. Firstly, the petitioner is having a two year old boy. Secondly, the distance between Perambalur to Chennai to and fro is about 600 kms. In view of the distance, it will be unsafe for the petitioner to undertake a long journey along with her boy child. Thirdly, the maintenance case has been filed by the petitioner. In that view of the matter, this Court finds no impediment to allow the prayer of the petitioner. Accordingly, the H.M.O.P.No.458 of 2019 is withdrawn from the file of the V Additional Family Court, Chennai and transferred to the Family Court at Perambalur for expeditious disposal. The transfer civil miscellaneous petition stands allowed. Consequently, C.M.P.No.7997 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The V Additional Judge, Family Court,
Chennai
2. The Judge, Family Court,
Perambalur.

+1 cc to M/s.T.Seenivasan, Advocate Sr.No. 66137

+1 cc to M/s.D.Geetha, Advocate Sr.No.66149

AKM/12.09.19/2P-5C //

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