

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.294 of 2019

V.Backiya Lakshmi

..Petitioner

-vs-

Seenuvasan
S/o Rajendran

..Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.117 of 2018 on the file of the learned Principal Sub Court, Virudhachalam and to transfer the same to the Family Court, Salem and also to dispose of the same in accordance with law.

For Petitioner :: Mr.J.Ramakrishnan

For Respondent :: Mr.A.Saravanan

ORDER

Mrs.V.Backiya Lakshmi, Wife of Seenuvasan, the respondent herein has come to this Court seeking withdrawal of the pending H.M.O.P.No.117 of 2018 from the Principal Sub Court, Virudhachalam to be transferred to the Family Court, Salem where the petitioner and her family members are residing.

2. Learned counsel for the petitioner submitted that as the respondent is a chronic drunkard, both the respondent/husband and his in-laws used to pick up quarrel with the petitioner without any justification. Due to the strained relationship between them, the respondent has filed H.M.O.P.No.117 of 2018 under Section 13(1)(ia) of the Hindu Marriage Act seeking divorce and the same is also pending on the file of the Principal Sub Court, Virudhachalam, which is 130 kms., away from the place of residence of the petitioner in Salem. Secondly, when the petitioner is also having a six year old son who is going to school in Salem, during hearings, the petitioner has to abandon or pick up her son, that would also cause dislocation and inconvenience to his studies in the school. On the other hand, if the H.M.O.P.No.117 of 2018 is withdrawn from the Principal Sub Court, Virudhachalam and transferred to the Family

Court, Salem, the respondent/husband can come and appear.

3. Learned counsel for the respondent submitted that only due to the threat at the hands of the petitioner's family members, the respondent is apprehensive of appearing before the Family Court, Salem. Therefore, some other place where the petitioner and her family members would not sway influence can be chosen and the pending H.M.O.P., can be transferred there for adjudication.

4. But this Court is unable to find any justification on his contention. The reason being that when the petitioner is residing with her family members in Salem along with the six year old son who is also studying first standard at a school in Salem, this Court deems it fit and proper to withdraw the pending H.M.O.P.No.117 of 2018 from the Principal Sub Court, Virudhachalam for being transferred to the Family Court, Salem. Hence, the H.M.O.P.No.117 of 2018 is withdrawn from the file of the Principal Sub Court, Virudhachalam and transferred to the Family Court, Salem. The learned Family Court Judge, Salem shall expedite the disposal of the case on merits and in accordance with law. Accordingly, the transfer civil miscellaneous petition is allowed. Consequently, C.M.P.No.8604 of 2019 is closed.

ss

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Subordinate Judge
Virudhachalam

2. The Family Court Judge
Salem

+1cc to Mr.J.Ramakrishnan, Advocate, SR.No.60997

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Kak(26/08/2019)