

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.345 of 2019
and C.M.P.No. 9925 of 2019

M.Sreeusha

... Petitioner

Vs.

Mahesh Jayasankar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.177 of 2019 on the file of the Family Court, Madurai and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.T.N.Sugesh

For Respondent : Mr.J.Mathesh

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking the relief to withdraw H.M.O.P.No.177 of 2019 pending on the file of the Family Court, Madurai and transfer the same to the file of the Family Court, Chennai.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 01.05.2015 at Venkateshwara Thirumana Maligai, Vadapalani, Chennai as per the Hindu Rites and Customs and the same was also registered. After the marriage, both of them lived together for a considerable period and thereafter, difference of opinion arouse between them. Further, the respondent had subjected the petitioner to continuous act of cruelty and harassment. In the meanwhile, the respondent / husband has filed HMOP No.177 of 2019 before the Family Court, Madurai, for the relief of annulling the marriage happened between them on 01.05.2015. In the said circumstances, the petitioner is before this Court with the present Tr.CMP.

3. The learned counsel for the petitioner submitted that the petitioner is residing at Chennai, the distance between her residence and Madurai is about 460 k.m. Further, she is depending on her family for her day-to-day requirements. It is

very difficult for her to travel from Chennai to Madurai, to attend the Court proceedings at Madurai. He further submitted that the petitioner is not having any independent income and as such, allowing this petition is convenient for the petitioner.

4. Per contra, the learned counsel for the respondent has filed a counter affidavit denying all the said averments and stated that the petition should be dismissed.

5. In the meanwhile, the learned counsel for the petitioner submitted that even though the mediation held between the parties before the Mediation and Conciliation Centre, High Court, Chennai, the learned counsel for the respondent has not served with any papers but both of them agreed in principle and they have also filed a petition for divorce by mutual consent before the Family Court, Chennai and the same is yet to be numbered. The learned counsels are at liberty to request the learned principal Judge, Family Court, Chennai to allot the matter to the same court where mutual consent petition is posted.

6. In view of the above said facts, this Court is inclined to allow the Tr.C.M.P.No.345 of 2019. Since the wife is staying in Chennai and hence, it will be just and at the convenience of the petitioner and the same is transferred. The Family Court, Madurai is directed to withdraw HMOP No.177 of 2019 and transfer to the Family Court, Chennai.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

vkr

To

1. The Family Court, Madurai.
2. The Family Court, Chennai

+1 CC to Mr.T.N.Sugesh, Advocate sr 90199.

TR C.M.P. No.345 of 2019
and C.M.P.No. 9925 of 2019

GMR(CO)
SP(21/01/2020)