

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 29.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA
Transfer CMP. No.423 of 2019
and
C.M.P.No.12044 of 2019

Hema Vaideki

Petitioner/Respondent

Vs

S.Ananda Kumar

Respondent/Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of the Civil Procedure, to withdraw the Divorce Petition in H.M.O.P.No.66 of 2019 on the file of the Sub Court, Thiruchengode and transfer the same to the Family Court, Salem.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.V.Anandamoorthy

O R D E R

Mrs.Hema Vaideki, Wife of Mr.S.Ananda Kumar has come to this Court seeking an order to withdraw the pending HMOP No.66 of 2019 from the Sub Court, Thiruchengode to the Family Court, Salem, on the ground that the petitioner is having two years old girl child, who was born on 08.05.2017 at Soodamani hospital, Salem. The petitioner with her child will be facing great inconvenience for her appearance before the Sub Court, Thiruchengode, which is also distance of 48 Kms from Salem.

2. Objecting the above prayer by filing a counter affidavit, the learned counsel for the respondent would submit that after the marriage was solemnized on 22.05.2015 at TRS Kalyanamandapam, Kumarasampatti, Salem, as per Hindu rites and customs, they were blessed with a girl child on 08.05.2017 by name Rineetha Rupa. But due to certain some domestic issues, their relationship got strained and finally, the petitioner left her matrimonial home. As the petitioner is suffering from mental illness, she is also taking treatment for serious mental illness. But the same was suppressed by the petitioner and her family members at the time of marriage. Thereafter, due to the some reason, the respondent filed Divorce OP for dissolution of marriage took place on 22.05.2015. On 26.03.2019 around 9.15 a.m., when the respondent was on his way to college, he was intercepted by the petitioner's father and unidentified person near Kumaramangalam, Kongunadu Hotel, who threatened him not to

disclose to anyone about his daughter's illness. Immediately, the respondent lodged a police complaint to All Women Police Station, Thiruchengode. On receipt of the complaint and taking note of the fact that there is HMOP pending, they advised the respondent to solve this problem through the Court. Therefore, there is a threat posed by the petitioner and her family members to the respondent, who is working as Assistant Professor. Hence, the matter may be transferred to some other common place by this court.

3. In reply, the learned counsel for the petitioner stated that there was no such threat posed by the petitioner or family members as alleged by the respondent. However, it is stated that the petitioner's family members would not cause any inconvenience to the respondent and to that extent, he had also given undertaking that there is no such attempt of allegation against the respondent by any threat through any one in future. Accepting the undertaking by the learned counsel for the petitioner, the petitioner or his family members would not force any physical threat to the safety of the respondent and his family members.

4. Accordingly, the Transfer CMP stands allowed for the reason that the petitioner is having two year old girl child. The HMOP No.66 of 2019 is withdrawn from the file of the Sub Court, Thiruchengode and transferred to the Family Court, Salem. The Family Court, Salem is hereby directed to take up the matter and dispose the same expeditiously on merits. No costs. Consequently, C.M.P.No.12044 of 2019 is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vri
To

1. The Sub Court,
Thiruchengode

2.The Family Court,
Salem.

+1cc to Mr.C.K.M.Appaji, Advocate sr.65580

+1cc to Mr.V.Anandamoorthy, Advocate sr.64828

Transfer CMP. No.423 of 2019
and C.M.P.No.12044 of 2019

pvs(co)
nr 18/09/2019