

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

Transfer CMP. No.433 of 2019
and C.M.P.No.12323 of 2019

A.Moohambiga

Petitioner/Respondent 1 to 4

vs

S.Ranjith Kumar

Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of the Civil Procedure, to withdraw the HMOP No.75 of 2019 from the file of the Sub Court, Tambaram and transfer the same to the Family Court, Coimbatore.

For Petitioner : Ms.K.Sumathi
for Mr.N.Kalidoss

For Respondent : Mr.R.Subramanian

O R D E R

This Transfer CMP has been filed by Tmt.A.Moohambiga, Wife of Mr.S.Ranjith Kumar, the respondent herein has come to this Court, seeking an order to withdraw the pending HMOP No.75 of 2019 filed by the respondent on the file of the learned Sub Court, Tambaram, seeking decree for dissolution of marriage on the ground of cruelty by filing petition under section 13(1)(i-a) and 13(1)(a)(iii) of the Hindu Marriage Act.

2. Learned counsel for the petitioner in support of the prayer pleaded that after the marriage between the parties had taken place on 12.06.2013 at Thanvandhri Temple, Coimbatore as per the Hindu rites and customs, they were blessed with a girl child Riya on 07.11.2014. Now, the child is aged about 4 years, who is studying LKG at KM Little Masters Montessori Pre School at Coimbatore. When the petitioner is residing at Coimbatore,

it will be highly difficult for both herself and the child aged about 4 years to undertake a long journey from Coimbatore to Chennai to attend the HMOP filed by the respondent. When the marriage took place at Coimbatore, besides that the child born to both the petitioner and the respondent is also aged about 4 years studying at Coimbatore and in addition thereto, the petitioner is also having Ayurvedic practice along with her father, who is a Siddha Doctor at Coimbatore, the respondent can travel to Coimbatore so that the child born to them need not be put to unnecessary hardship and inconvenience. Therefore, the pending HMOP No.75 of 2015 on the file of the learned Sub Court, Tambaram, shall be withdrawn and transferred to the Family Court, Coimbatore.

3. Learned counsel for the respondent sought for time to file formal counter. But this Court is not waiting for formal counter. Learned counsel for the respondent submitted that the respondent has been working in the office of The Hindu at Chennai, it will be difficult for him to take leave by mentioning the pendency of the matrimonial matter and that will also cause loss to his job. Therefore, his appearance need not be insisted upon. However, reply to the said statement, learned counsel for the petitioner stated that if it is the case of the respondent that taking frequent leave to appear before the Family Court, Coimbatore, would be going to cause a problem, he is well advised to move application for dispensing with his appearance before the Family Court, Coimbatore and such application, if any being filed, can be considered by the Family Court.

4. Recording the grievance placed before this Court by the learned counsel for the respondent that the respondent is presently working in the office of The Hindu, he is given liberty to move an application for dispensing with his appearance on any frequent hearing and if any such application is filed, the same can be considered by the Family Court, Coimbatore.

5. On considering the merits of the prayer, it is admitted case that the marriage between the petitioner and the respondent took place at Coimbatore and after the solemnization of the marriage on 12.06.2013, they were blessed with a girl child now aged about 4 years, who is also studying LKG in Montessori Pre School at Coimbatore, the petitioner is also pursuing her Ayurvedic practice along with her father, who is a Siddha Doctor at Coimbatore. Moreover, she is not having anyone at Tambaram and it is difficult for her to undertake such a long journey with her child to Chennai.

6. In view of the aforesaid reasons, the Transfer CMP stands allowed and the HMOP No.75 of 2019 pending on the file of the Sub Court, Tambaram is withdrawn and transferred to the Family Court, Coimbatore, who is also directed to dispose the case expeditiously on merits. No costs. Consequently, CMP No.12323 of 2019 is closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

vri

To

1.The Subordinate Judge
Tambaram.

2.The Judge Family Court,
Coimbatore.

3.The Section officer
VR Section, High Court, Madras 104.

+1 CC to Mr.R.Subramanian, Advocate sr 64822.

+1 CC to Mr.N.Kalidoss, Advocate sr 64581.

Transfer CMP. No.433 of 2019
and C.M.P.No.12323 of 2019

KK(CO)
SP(29/08/2019)

सत्यमेव जयते

WEB COPY