

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.541 of 2019 and
CMP.No.15272 of 2019

Dhanalakshmi .. Petitioner
vs.

R.Vadivel .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the C.P.C. seeking to withdraw the HMOP.No.1680 of 2019 on the file of the learned VII Additional Judge, Family Court, Chennai and transfer the same to the Family Court, Thiruvallur.

For Petitioner :Mr.A.Vijaya Sankar

For respondent :Mr.S.Gopalakrishnan

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JUDGMENT

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the HMOP.No.1680 of 2019 pending on the file of the learned VII Additional Judge, Family Court, Chennai and transfer the same to the Family Court, Thiruvallur.

2. Learned Counsel for the petitioner submitted that the petitioner is residing in Thiruvallur. Therefore, it would be highly difficult not only for her but also for her children to undertake a long journey from Thiruvallur to Chennai to attend the court hearings. In addition it is submitted that since the respondent severally beaten the petitioner on 18.3.2019, she sustained severe injuries on her back and was admitted at Government Hospital, Thiruvallur. In this regard, the petitioner wife preferred a complaint before the Inspector of Police, Thiruvallur Taluk Police Station and a case was registered in C.S.R.No.228/2019.

3. Opposing the prayer for transfer, the learned Counsel for the respondent submitted that the respondent was originally working as an Auto Driver. Later on, he

became unfit to continue his avocation as driver. Therefore, now, he is working in a Private Company on daily wage basis of Rs.500/- per day. Besides, he is suffering from diabetics and his sugar level is uncontrollable. Hence, it is difficult for him to travel to Thiruvallur to attend the court hearings, if transfer is ordered.

4. Be that as it may, when the petitioner is having two small children one male child, namely, Guru Prasad, who was born on 09.10.2008 and one female child who was born on 05.12.2010, it is very difficult for the petitioner to travel from Thiruvallur to Chennai which is about 40 kms. to attend the Court hearings. That apart, the respondent has not produced any Doctor Certificate to show that his sugar level is uncontrollable.

5. In view of all the above, the Transfer Civil Miscellaneous Petition is allowed. Accordingly, the HMOP.No.1680 of 2019 on the file of the learned VII Additional Judge, Family Court, Chennai is withdrawn and transferred to the file of the learned Judge, Family Court, Thiruvallur. for expeditious disposal on merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The VII Additional Judge, Family Court, Chennai.
- 2.The Judge, Family Court, Thiruvallur.

+1cc to Mr.A.Vijaya sankar , Advocate SR.No. 71890
+1cc to Mr.S.Gopalakrishnan , Advocate SR.No. 72398

Tr.CMP.No.541 of 2019

A.SK(03/10/2019)