

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2019

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.523 of 2019
and
C.M.P.No.14454 of 2019

Poongothai

... Petitioner

Vs.

P.Karunakaran

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the FCOP. No.117 of 2019 pending on the file of the Family Court, Vellore and transfer the same to the Family Court, Chennai.

For Petitioner : Mr.S.Suseela Devi

For Respondent : Notice served - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking withdraw the FCOP. No.117 of 2019 pending on the file of the Family Court, Vellore and transfer the same to the Family Court, Chennai.

2. The Respondent and petitioner are husband and wife. The marriage was solemnized between the petitioner and the respondent on 05.02.2003 at Ulahamapuram Vellancheiyar Thirumana Mandapam, Avalurpet Road, Thiruvannamalai as per Hindu Rites and Custom. Due to misunderstanding, the couple were living separately. The respondent/husband filed a petition for divorce in FCOP. No.117 of 2019 before the Family Court, Vellore. The petitioner/wife is the resident of Chennai. She finds it difficult to travel from Chennai to Vellore to attend the hearing. Therefore, she seeks transfer of the divorce petition filed by the husband.

3. This Court ordered notice on 14.08.2019 and the same was served on the respondent. But he has not appeared in person or through his counsel. Hence, this Court is inclined to dispose of the matter on merits in accordance with law.

4. The learned counsel for the petitioner/wife would submit that the petitioner is working as as Assistant in Private Company at Nungambakkam, Chennai. She has to take leave from office and to travel from Chennai to Vellore for attending the Court proceedings. It will take around 4 to 4.5 hours to reach the Court. Because of this, she is facing physical as well as financial issues. Therefore, it will be appropriate to transfer the case filed by the husband from Vellore to Chennai.

5. Considering the convenience of the parties and physical hardship caused to the petitioner/wife, this Court is inclined to transfer the case from Family Court, Vellore to Family Court, Chennai. Accordingly, FCOP. No.117 of 2019 pending on the file of Family Court, Vellore is withdrawn and transferred to the file of Family Court, Chennai.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Judge, Family Court, Vellore.
- 2.The Judge, Family Court, Chennai.

+1 cc to M/s.S.Suseela Devi,Advocate Sr.No. 81725

AKM/13.11.19/2P-4C /

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