

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.559 of 2019
and CMP No.15804 of 2019

B. Mythili

... Petitioner

-vs-

B. Ganesh Kumar

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw HMOP No.260 of 2019 pending on the file of Family Court, Tiruchirapalli District and transfer the same to Family Court, Chennai.

For Petitioner : Mr.N. Premkumar

For Respondent : No appearance

O R D E R

Mrs.B. Mythili, W/o B. Ganesh Kumar filed this petition seeking to withdraw HMOP No.260 of 2019 pending on the file of Family Court, Tiruchirapalli District and transfer the same to Family Court, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner and the respondent are blessed with two children and the first child viz., B.G Pavithra, who was born on 04.10.2005 is physically disabled from birth and she is also to take care of the second child, viz., B.G.Sumitra, who was born on 24.02.2010. The respondent/husband failed to take care of both these children and as the first child is a special child, it is very difficult for the petitioner to undertake long journey from Chennai to Tiruchirappalli along with two children and if the matter is transferred to Family Court, Chennai, no prejudice would be caused to the respondent/husband.

3. After issuance of notice, Registry record shows that notice was served on the respondent on 14.08.2019, but he has not chosen to appear, which shows that the respondent has no objection for allowing the petition. Moreover, the petitioner is having two children, of which, one child is physically

disabled it will be difficult for her to take the child to Tiruchirappalli for every hearing. Considering the fact that balance of convenience is in favour of the petitioner, this court is inclined to accede to the request of the transfer. Hence, the Transfer CMP is allowed.

4. Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P.No.260 of 2019 pending on the file of Family Court, Tiruchirapalli District is withdrawn and transferred to Family Court, Chennai.

5. The learned Judge, Family Court, Tiruchirapalli District is directed to send the entire records relating to HMOP No.260 of 2019 to the Family Court, Chennai forthwith and the learned Judge, Family Court, Chennai is directed to take up HMOP.260 of 2019 and dispose of the same expeditiously in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Judge,
Family Court,
Tiruchirapalli District

2.The Judge,
Family Court, Chennai

+1cc to Mr.N.Premkumar, Advocate, SR.No.75990

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Kak(09/10/2019)