

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.560 of 2019
and CMP No.15838 of 2019

Mrs.S. Nishanthi

... Petitioner

-vs

S. Chandra Mohan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw HMOP No.569 of 2019 pending on the file of Family Court, Madurai District and transfer the same to Family Court, Chennai.

For Petitioners : Mr.Rathina Asohan

For Respondent : Mr.V. Rajesh Babu

O R D E R

Mrs.S. Nishanthi, W/o S. Chandra Mohan, has filed this petition seeking to withdraw HMOP No.569 of 2019 pending on the file of Family Court, Madurai and transfer the same to Family Court, Chennai.

2. The learned counsel for the petitioner submitted that the respondent/husband filed a petition in HMOP No.569/2019 before Family Court, Madurai. The learned counsel further submitted that the distance between Madurai to Chennai is about 450 kms, which cannot be undertaken by the petitioner/wife as she is suffering from nervous problem. In support of his submission, the learned counsel produced photographs showing that the petitioner is having nervous problem. The learned counsel further submitted that the petitioner/wife filed a petition in HMOP No.2913 of 2019 before the Family Court, Chennai for restitution of conjugal rights and therefore, if HMOP No.569 of 2019 is transferred from Family Court, Madurai to II Additional Family Court, Chennai, no prejudice would be caused to the respondent, since he has to attend the case in HMOP No.2913 of 2019 for every hearing.

3. Heard the learned counsel for the respondent.

4. As the petitioner is suffering from nervous problem, it will be difficult for her to travel 450 kms for every hearing. From records, it appears that the petitioner/wife filed a petition in HMOP No.2913 of 2019 before the Family Court, Chennai for restitution of conjugal rights, which is posted for hearing on 26.09.2019. Therefore, in any event, the respondent/husband has to appear before the Family Court Chennai to attend the case, filed by the petitioner/wife. Therefore, if HMOP No.569 of 2019 is transferred from Family Court, Madurai to the file of II Additional Family Court, Chennai, no prejudice would be caused to the respondent. Hence, this court is inclined to accede to the request of the transfer. Hence, the Transfer CMP is allowed.

5. Accordingly, the Tr.C.M.P. is allowed and the H.M.O.P.No.569 of 2019 pending on the file of Family Court, Madurai is withdrawn and transferred to II Additional Family Court, Chennai.

6. The learned Judge, Family Court, Madurai is directed to send the entire records relating to HMOP No.569 of 2019 to the II Additional Family Court, Chennai forthwith and the learned Judge, II Additional Family Court, Chennai is directed to take up HMOP.569 of 2019 and dispose of the same expeditiously in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

sr
To

1.The Presiding Judge
The Family Court, Madurai

2.The Presiding Judge
The II Additional Family Court, Chennai.

+1 CC to Mr.V. Rajesh Babu, Advocate sr 76063.
+1 CC to M/s. Rathina Asohan, Advocate sr 75761

Tr. C.M.P. No.560 of 2019

CP(CO)
SP(16/09/2019)