

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.11.2019

Coram

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.608 of 2019

and

C.M.P.No.17433 of 2019

V.Gayathri

...Petitioner

Vs.

R.Veera @ Veerappan

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Cr.P.C., to withdraw the case in HMOP. No.4830 of 2018, on the file of the VI Family Court, Chennai and transfer the same to the Family Court, Villupuram.

For Petitioner : Mr.Arundattan R

For Respondent : Mr.R.Krishnan

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner to withdraw the case in HMOP. No.4830 of 2018, on the file of the VI Family Court, Chennai and transfer the same to the file of the Family Court, Villupuram.

2. The respondent and the petitioner are husband and wife. The marriage between the petitioner and the respondent was solemnized on 21.08.2008 at V.K.Thirumana Mandapam, Kooteripattu as per the Hindu rites and customs. Out of the wedlock, twin female children viz., Kirthiga and Kirthana were born to them on 13.03.2010. From the day of marriage, the respondent used to doubted her fidelity. On several occasions, the respondent beaten the petitioner. Subsequently, the respondent has driven out the petitioner and his children from his house. Thereafter, the respondent has filed a petition in HMOP. No.4830 of 2019 before the VI Family Court, Chennai for dissolution of marriage on the ground of cruelty. Despite having sufficient means, the respondent neglected to maintain the petitioner and his children. Hence, the petitioner has also filed a maintenance case before the Family Court. The petitioner/wife is a resident

of Villupuram. Hence, she seeks transfer of the case filed by the husband from Chennai to Villupuram.

3. The learned counsel for the petitioner would submit that the the petitioner and the children are residing along with her aged widow mother at Uranithangal Village, Gingee Taluk, Villupuram District. The Children are going to school. In order to meet the day to day expenses and educational expenses of children, the petitioner is doing coolie work and she has no regular income. It is very difficult for her to travel alone from Villupuram to Chennai. Because of the financial issue, she could not attend the Court for each and every hearings. Hence, the petitioner came this Court by way of this petition, seeks transfer of the case pending before the IV Family Court to the file of the Family Court, Villupuram.

4. The learned counsel appearing for the respondent would submit that the wife is not of a good character. Due to the same, a dispute arose between them. She only left the children in matrimonial home and went to her parental home. Later, she came and taken the children forcibly. Therefore, the respondent has filed a divorce case. The learned counsel would further submit that before the court below, the petitioner has filed a written statement and pleadings are completed and the respondent has filed a proof affidavit and the matter is posted for trial. The learned counsel prays not to transfer this petition at this stage.

5. Heard the learned counsel for the petitioner as well as the respondent and also perused the materials available on record.

6. The learned counsel for the respondent submitted that before the trial Court, the petitioner has already filed written statement and the pleadings are also completed. But the petitioner is doing coolie work and she has to take care of her twin minor daughters.

7. Considering the convenience of the parties, and considering the facts and circumstances of the case, this Court is inclined to withdraw the case in HMOP. No.4830 of 2018, on the file of the VI Additional Family Court, Chennai and transfer the same to the Family Court, Villupuram.

8. Accordingly, HMOP. No.4830 of 2018, on the file of the VI Additional Family Court, Chennai is to be withdrawn and transferred to the Family Court at Villupuram.

9. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

1. The Family Court, Villupuram.

2. The VI Family Court, Chennai.

+lcc to Mr.Arundattan R, Advocate SR.91226

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RSI(CO)
CB(16/12/2019)