

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2019

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr. CMP No.632 of 2019

and

CMP No.18234 of 2019

Rohit Acharya

... Petitioner

.Vs.

Pooja Vyas

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of CPC, to withdraw and transfer G.W.O.P. No.230 of 2019 pending on the file of the District Court, Thiruvallur, to V Additional Family Court, Chennai.

For Petitioner : Mr.P. Kumaresan
For Respondent : Mrs.P.Mahalakshmi

ORDER

The Transfer Civil Miscellaneous Petition has been filed by the husband seeking for transfer of G.W.O.P. No.230 of 2019 pending on the file of the District Court, Thiruvallur, to V Additional Family Court, Chennai.

2. The case of the petitioner is that he got married to the respondent as per Hindu Religious Customs and Rites at Pushtikar Seva Samiti Hall, Jogeshwari, West Mumbai on 12.12.2009. A boy child, namely, Rishik Acharya was born on 11.06.2015 and is four years old and he is a special child. The petitioner is working at Societe Generale, Ramanujam IT Park, Taramani, Chennai and the respondent is working at IBM (India) Private Limited, DLF IT Park, Manapakkam, Chennai. Since the child was a special child, the petitioner's parents were taking care of the child, with the help of the maid, till the respondent return home. The respondent- wife did not adjust with the parents of the petitioner and abused them regularly. They were living together till February 2019 under the same roof and the petitioner was forced to leave the home because of the ill treatment of the respondent and he was deprived from seeing his minor son. Thereafter, the petitioner has filed a petition for divorce under the grounds of cruelty before the Subordinate Judge, Poonamallee in H.M.O.P. No.111 of 2019 and the respondent has filed a Maintenance Petition in M.C.No.278 of 2019 before the V Additional Family Court, Chennai, and both the cases are pending

before the respective courts. The petitioner has filed G.W.O.P. No.230 of 2019 before the Principal District Court, Thiruvallur, for the custody of the child. Since both of them are working at Chennai, it will be convenient for the parties to attend the proceedings before the V Additional Family Court, Chennai, instead of Principal District Court, Thiruvallur, where the respondent has filed a petition for Maintenance in M.C.No.278 of 2019.

3. The respondent's counsel also submitted that he has got no objection in trying the case before V Additional Family Court, Chennai. It is also submitted that H.M.O.P. No.111 of 2019, pending before the Subordinate Judge, Poonamallee also has to be transferred to the V Additional Family Court, and the petition has been filed for the same, which has been numbered and will be listed shortly.

4. In view of the above submissions, this court is inclined to transfer G.W.O.P. No. 230 of 2019 pending before the Principal District Court, Thiruvallur, to V Additional Family Court, Chennai. Accordingly, G.W.O.P. No.230 of 2019 pending on the file of the Principal District Court, Thiruvallur, is transferred to V Additional Family Court, Chennai. Accordingly, the Transfer Civil Miscellaneous petition is allowed. Consequently, connected miscellaneous petition is closed.

bga

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal District Judge, Thiruvallur.
2. The V Additional Family Judge, Chennai.

+1cc to Mr.P.Kumaresan, Advocate, SR.No.80976/19
+1cc to Mr.K.Suresh Babu, Advocate, SR.No.80902

Tr. CMP No.632 of 2019

Kak(08/11/2019)