

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.694 of 2019

Yuvashree

... Petitioner

Vs.

Balaji

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24(1)(2) of the Code of Civil Procedure, to withdraw the divorce petition in H.M.O.P No.3666 of 2017 on the file of the VI Additional Family Court, Chennai and the same may be transfer to the Family Court, Thiruvallur.

For Petitioner : Mr.T.Arul

For Respondent : Mr.G.Dhanasekaran

ORDER

The petitioner has filed this petition, seeking transfer of H.M.O.P No.3666 of 2017, pending before the learned VI Additional Family Court, Chennai and transfer the same to the Family Court, Thiruvallur.

2. The petitioner is the wife and the respondent is the husband. The case of the petitioner is that she got married to the respondent on 26.06.2015, as per Hindu rites and customs at JRK Mahal, No.1, T.V.K. Line Road, Krishnamoorthy Nagar, Chennai-600 118. Further that, the petitioner was in psychiatric treatment, the respondent filed the Divorce petition in H.M.O.P.No.3666 of 2017 on the file of the learned VI Additional Family Court, Chennai.

3.It is the case of the respondent/husband that he has filed H.M.O.P.No.3666 of 2017 before the VI Additional Family Court, Chennai, stating that the petitioner/wife was not at all interested in this marriage and the petitioner has not behaved like a normal girl. Further that, the petitioner started to scream on the crowd and tried to run away and later the respondent came to know the petitioner has some psychological problem and the respondent took the petitioner to her parental home. The petitioner while, returning from her home, her parents came along with her with a bag full of medicines for her. Thereafter, there is no changes in the petitioner's behaviour.

4. Accordingly, the petitioner's husband/respondent has not shown any interest in taking her back. Further, the petitioner states that the respondent has filed a petition for Divorce Petition before H.M.O.P No.3666 of 2017, pending before the learned VI Additional Judge, Family Court, Chennai. Therefore, the petitioner prays for transferring H.M.O.P.No.3666 of 2017 pending before the learned VI Additional Judge, Family Court, Chennai to the Family Court, Thiruvallur.

5.The learned counsel for the petitioner submitted that since the petitioner is not employed and has no independent income, she cannot even meet out the travel expenses to attend the Court proceedings at Chennai and she needs somebody's help to travel a long distance from Thiruvallur to Chennai and then, return to Thiruvallur.

6.The learned counsel for the respondent submitted that the matter can be transferred to any other Court in between Chennai to Thiruvallur.

7. Heard the learned counsel for the petitioner and the respondent and perused the materials available on records.

8.On perusing the records, it is seen that the respondent has filed a petition for divorce in H.M.O.P No.3666 of 2017, pending before the learned VI Additional Judge, Family Court, Chennai. Since, the petitioner/wife is residing at Thiruvallur, it will be reasonable and convenient for her, if the case is transferred to the Subordinate Court, Poonthamali.

9. Hence, in view of the above facts and circumstances, this Court is of the view that H.M.O.P No.3666 of 2017, filed by the respondent, which is pending before the learned VI Additional Judge, Family Court, Chennai shall be withdraw and transfered to the Subordinate Court, Poonthamali.

10. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The proceedings in H.M.O.P No.3666 of 2017, pending before the learned VI Additional Family Court, Chennai is transferred to the Subordinate Court, Poonthamali. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rri

To

1.The VI Additional Judge,
Family Court,
Chennai

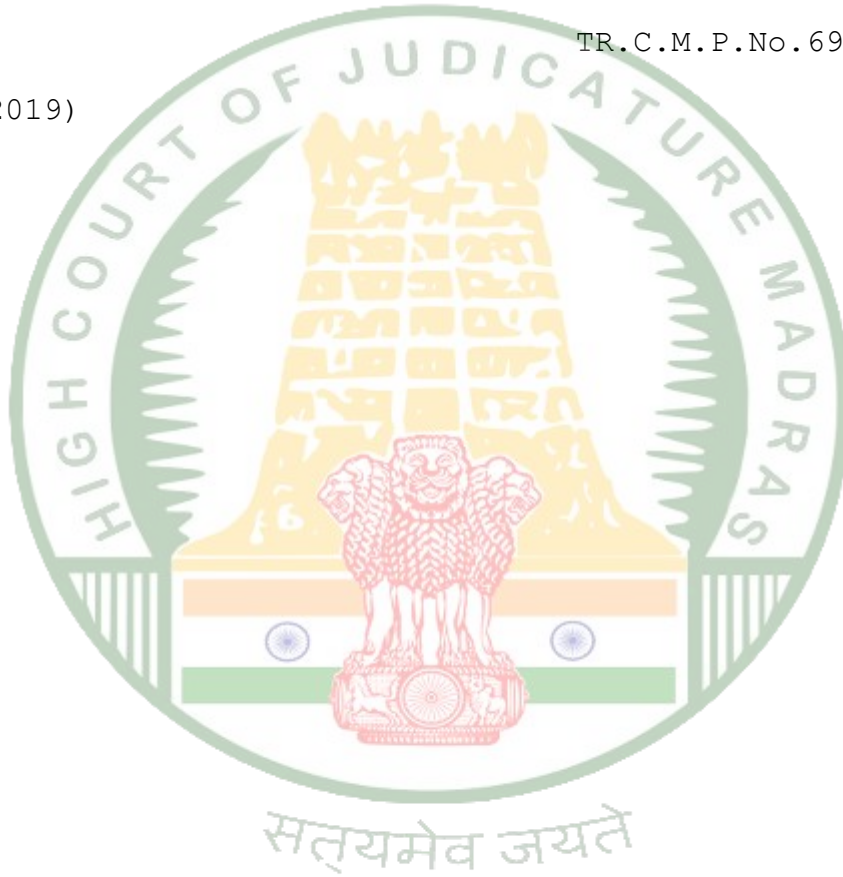
2.The Subordinate Judge,
Poonthamali.

+1cc to Mr.G.Dhanasekaran, Advocate SR.90172

+1cc to Mr.G.Dhanasekaran, Advocate SR.90172 (20/01/2020)

TR.C.M.P.No.694 of 2019

NMI (CO)
CB (17/12/2019)



WEB COPY