

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM

THE HON'BLE Mrs. JUSTICE V. BHAVANI SUBBAROYAN

Tr.CMP.No. 689 of 2019

and

CMP No. 19644 of 2019

K. Abinaya

..Petitioner/Respondent

vs

T. Aravind

.. Respondent/Petitioner

Prayer: Transfer Petition is filed under Section 24 of the Civil Procedure code praying to withdraw and transfer the case in HMOP.No.100 of 2018, on the file of the Sub-Court, Ranipet, Vellore District to the Family Court, Villupuram, Villupuram District.

For Petitioner : Mr. G. Shiva Surya

For Respondent : Mr. T.P.Prabakaran

O R D E R

The petitioner herein is the wife, who is praying to withdraw H.M.O.P.No.100 of 2018 pending before the Sub Court, Ranipet and transfer the same to The Family Court, Villupuram, Villupuram District.

2. The case of the petitioner is that she married the respondent on 30.10.2017 at V.P.Palace, Vepoor, Walajah Taluk, Vellore District as per Hindu rites and customs. They do not have any children.

3. At the time of marriage, the petitioner's parents had given 70 sovereigns of gold to the petitioner and 10 sovereign to the respondent and had also spent Rs.10,00,000/- for the marriage. The petitioner was a little obese and the same was not taken into account at the time the marriage was. But, after the marriage, the respondent's parents did not allow her to live peacefully with the respondent and they were also interfering with the day to day activities between the petitioner and the respondent. The relationship between the petitioner and respondent was cordial. But, after three months of marriage, the respondent's mother had questioned about her not becoming pregnant and indirectly criticized her saying that she is unfit and useless. The respondent's mother also commented that the

petitioner is very fat hence, she is not able to give birth a child.

4. On medical checkup, it revealed that the petitioner is to give birth to a child and hence, the petitioner's parents informed the same to the respondent's parents and asked them to send both the respondent and petitioner for medical checkups. Aggrieved by the same, the respondent's parents had sent the petitioner along with her parents saying that she was fat and overweight and they wanted the petitioner to reduce the weight by taking medical treatment as she cannot stay there and do so. The petitioner's parents had taken the petitioner back home on 20.12.2017. The respondent and his parents were not willing to take back the petitioner in spite of several requests made by the petitioner, her parents and relatives.

5. The respondent had filed a petition for divorce in HMOP.No. 100 of 2018 with false allegations before the Sub Court, Ranipet. The petitioner is unemployed and is having no sufficient means to maintain herself and she could not meet the expenses of travel and lodging expenses to travel from Thirukoilur, Villupuram District to Ranipet, Vellore District to attend the proceedings. The petitioner does not have any accompanying person to travel with her to attend the proceedings and she is also not having any relative at Ranipet. The petitioner also apprehends that respondent's parents may cause any danger to her as they are having money power. Hence, in the interest of justice, she has filed this petition seeking to transfer the case pending before the Sub-Court, Ranipet, Vellore District to Family Court, Villupuram.

6. The learned counsel for the respondent has submitted that if the parties are directed to appear for each and every hearing, it may cause inconvenience and hardship to the respondent husband. This Court may direct the counsel for both the parties to defend the case before the Sub-Court in Family Court at Villupuram.

7. Heard both. I have carefully considered the contentions made by the learned counsel on either side.

8. This Court is not accepting the submissions made by the learned counsel for the respondent and in view of the ruling made by the Honourable Supreme Court, the interest of the wife has to be taken into account, which is of paramount importance. Hence, this Court is inclined to accept the prayer of the petitioner.

9. Accordingly, the above transfer CMP is allowed and HMOP.No. 100 of 2018 on the file of the Sub-Court, Ranipet, Vellore District is directed to be withdrawn and transferred to the Family Court at Villupuram. No costs. Consequently, the connected CMP is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrn

TO:

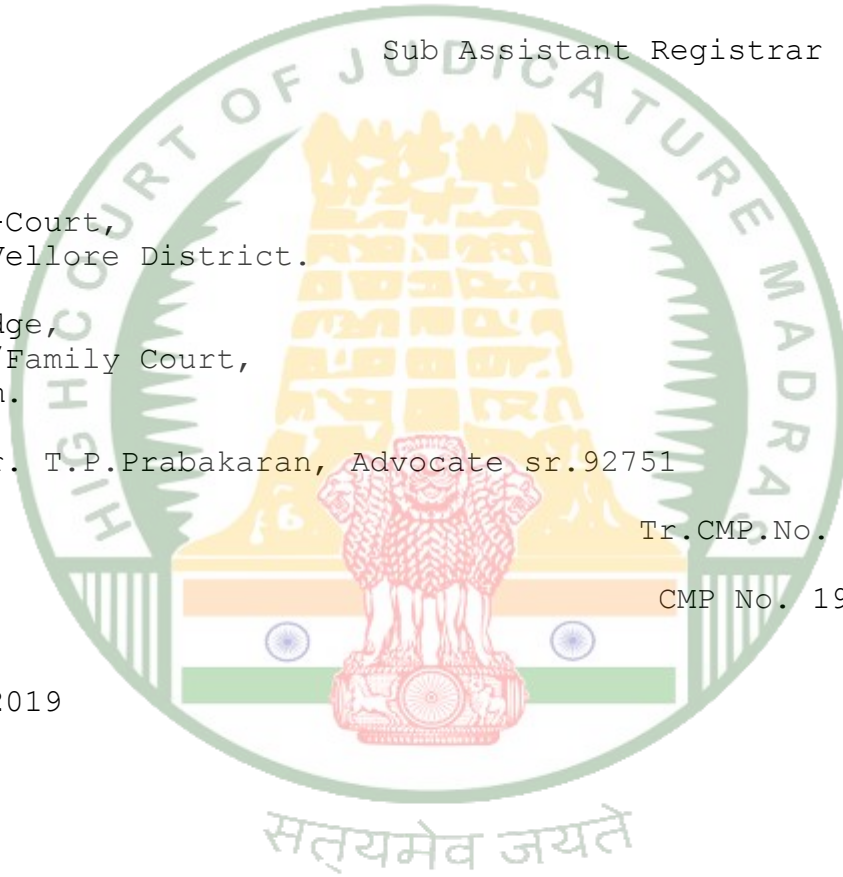
1.The Sub-Court,
Ranipet, Vellore District.

2. The Judge,
Sub Court/Family Court,
Villupuram.

+1cc to Mr. T.P.Prabakaran, Advocate sr.92751

Tr.CMP.No. 689 of 2019
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