

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

C O R A M

THE HONOURABLE MS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. No.750 of 2019  
and  
C.M.P.No.20986 of 2019

J.Maxin Jenifer

... Petitioner

Vs.

D.Baskar @ Antony Daniel

.... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under section 24 of C.P.C., to withdraw the I.D.O.P.No.60 of 2019 which is pending on the file of the learned Principal District Judge, Pudukkottai and transfer the same to any of the competent Family Court, Coimbatore.

For Petitioner : Ms.C.Bama Priyadarshini

For Respondent : Mr.Hasan Fizal

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O R D E R

The petitioner / wife filed the present petition seeking to withdraw the I.D.O.P.No.60 of 2019, which is pending on the file of the learned Principal District Judge, Pudukkottai and transfer the same to any of the Competent Family Court, Coimbatore.

2. The case of the petitioner is that the petitioner/wife got married to the respondent on 05.05.2010, as per the Christian Marriage rites and customs at Annai Vellankanni Matha Catholic Church, Ponnamaravathy, Pudukkottai District. The respondent's parents and relatives demanded for 45 sovereigns and other household appliances as a gift and the entire expenses was borne by the petitioner's parents. The petitioner/wife delivered a boy child on 01.06.2011 at G.Kuppusamy Naidu Memorial Hospital, Coimbatore and the boy was named as Antony Justin and was baptized at the Oliamanagalam St.Fathima Church, Ponnamaravathy, Pudukkottai. The husband had a habit of drinking and she stated that every day he used to abuse her physically and also mentally, he used

to tease the petitioner/wife and the minor child. The child had affected with complex partial seizure and he was not talking well. The parents of the petitioner took care of the child and during 2013, the child had seizure and taken to Coimbatore hospital, the respondent / husband has not even taken care of the child. As a single women, she has taken care of his son. Hence, she had to stay in Coimbatore with her parents for medical concern of her son, but she was forced to stay in the parents of the husband house. The petitioner/wife has further stated that the child was taken treatment for speech and hearing skills in Coimbatore and it was found that the child has poor speech and language due to Autistic Spectrum disorder and for that she has to follow language therapy to the child at Coimbatore. The child is staying in Rathinam International Public School and special attention is being given to him for physical well being and she has to take care of the aged parents and the child. Hence, she cannot travel to Puducherry to attend the said proceedings pending before the learned Principal District Judge, Pudukkottai and prays for transfer.

3. Mr.Hasan Fizal, learned counsel appearing for the respondent / husband submitted that the child is now studying in the school and he is not suffering from any health issues and as the respondent / husband is working in Government elementary school, it is difficult for him to take leave and attend the proceedings and it will be convenient for him to travel to Karur instead of Coimbatore and the petitioner / wife can also travel with no difficulties.

4. On perusing the typed set of papers, it is seen that the minor child Antony Justin aged 2 ½ years was admitted in hospital on 04.11.2013 with seizure disorder, alleged to have partial seizure and he was discharged on 06.11.2013, again he was admitted on 16.09.2013 and discharged on 18.09.2013 for the same problem Complex Partial Seizure. The certificate issued by sky speech on 26.08.2019 states that the child was taken to them completely with poor verbal communication, difficulty in picture description, narration of events and poor social skills. The report clearly shows that poor speech and language development due to ASD. In the absence of interaction this may lead to severe speech & language problem. It is seen from the medical records that the child has seizure problem, Doctor has given treatment for the same and continuously he is taking medication for long period and hence, the husband's averment that the child was cured and petitioner/wife also can travel to Karur to attend the proceedings, is not acceptable by this Court.

5. On perusing the medical report and other averments that the child has some health issues which needs continuous medication and treatment, this Court is inclined to consider

the case of the petitioner wife who had sought transfer.

In view of the above said reasons, the transfer civil miscellaneous petition is allowed. The petition filed by the petitioner / wife in I.D.O.P.No.60 of 2019 pending on the file of Principal District Judge, Pudukkottai is withdrawn and transferred to the file of any one of the Family Court, Coimbatore. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bri

To

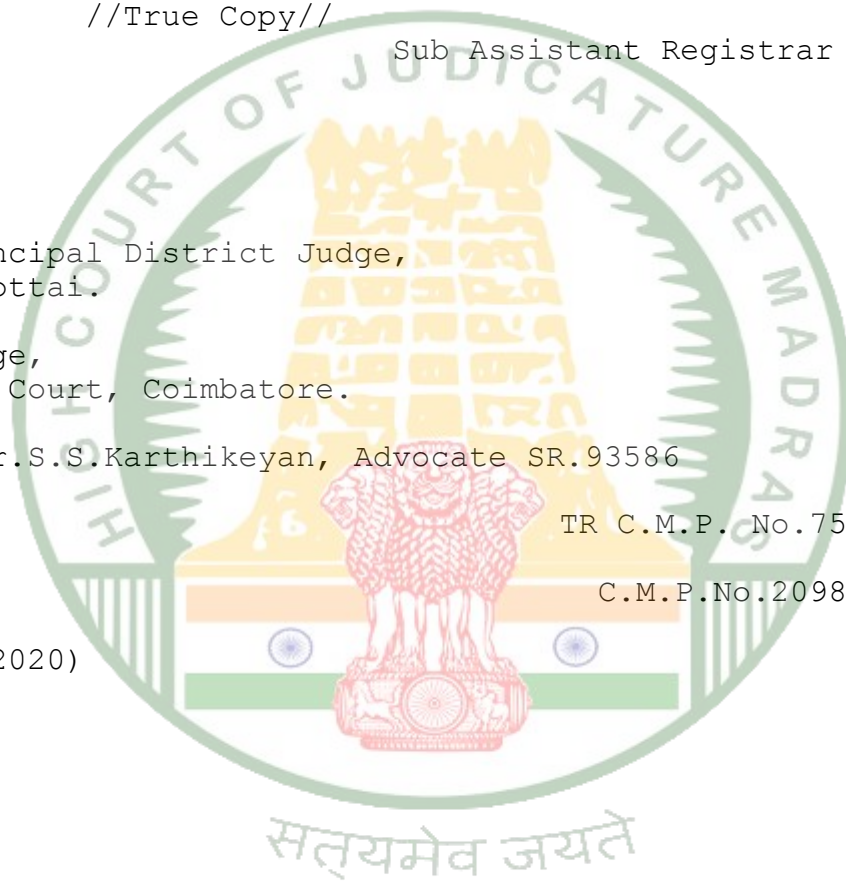
1.The Principal District Judge,  
Pudukkottai.

2.The Judge,  
Family Court, Coimbatore.

+1cc to Mr.S.S.Karthikeyan, Advocate SR.93586

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RGN(CO)  
CB(28/01/2020)



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