

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. NO.744 OF 2019
AND C.M.P.NO.20876 OF 2019

Priya	..Petitioner/Respondent
	Vs.
Sathish Kumar	..Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the case pending in HMOP No.166 of 2019 before the Sub Court at Tirupattur, Vellore District and transfer the same to the file of the Principal Family Court, Chennai or any of the other Additional Family Courts in Chennai.

For Petitioner	:	Ms.B.Saranya
For Respondent	:	Ms.S.Premkumari for M/s.Karan and Uday

ORDER

This Transfer Civil Miscellaneous Petition has been filed by the petitioner seeking to withdraw HMOP No.166 of 2019 pending on the file of Sub Court, Tirupattur, Vellore District and transfer the same to the file of Principal Family Court, Chennai or any other Additional Family Court in Chennai.

2. The case of the petitioner is that she got married to the respondent on 02.05.2018 at R.S.Mahal, Natrampalli Main Road, Jolarpettai, Tirupattur Taluk, Vellore District, as per Hindu Rites and Customs. Out of the wedlock, one male child, namely S.P.Dhakshineswar was born on 18.03.2019. The petitioner is residing at Teynampet, Chennai. The respondent is also residing at Maduravoyal, Chennai, along with his parents. The respondent filed a petition in HMOP No.166 of 2019 before the Sub Court, Tirupattur, Vellore District, seeking divorce on the ground of cruelty. As the petitioner is residing at Chennai, she finds it very difficult to travel to Tirupattur, along with her

six months old baby and the petitioner is also working in HCL, Chennai and there is no other person known to her in Tirupattur. Therefore, it will be convenient for her to attend the Court proceedings in anyone of the Courts in Chennai. The petitioner also prays that if the matter is posted before the Family Court in Chennai, she will have more opportunity for counselling or mediation. In that case, it will be easier for her to get her problem solved as she has been deserted by the respondent and now she is a mother of six months old baby.

3. The learned counsel for the respondent has no serious objection for allowing this Transfer Civil Miscellaneous Petition and submitted that the matter can be transferred to the I Additional Family Court, Chennai.

4. This Court is not inclined to accept the plea of the respondent and it is for the Principal Judge, Family Court, Chennai, to allot the case to anyone of the Courts as per his discretion.

5. Considering the inconvenience and physical hardship caused to the petitioner and also in the interest of justice, this Court is inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, HMOP No.166 of 2019 pending on the file of Sub Court, Tirupattur, Vellore District, is withdrawn and transferred to the Principal Family Court, Chennai. A direction is issued to the learned Principal Judge, Family Court, Chennai to re-allot the case to anyone of the Additional Family Courts, Chennai, within a period of four weeks from the date of receipt of a copy of this order, with a direction to dispose of the same as expeditiously as possible.

6. 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

To

1.The Subordinate Judge,
Tirupattur,
Vellore District.

2.The Principal Judge
Family Court
Chennai.

+2cc to M/s.K.Sumathi, Advocate SR.No.89816

AKM/09.12.19 /3P-5C/

TR.CMP.NO.744 OF 2019