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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.763 of 2019

and

C.M.P.No.21319 of 2019

Mrs.Sumithra Bai

... Petitioner

Vs.

Mr.K.P.Arvind Kumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in O.P.No.1452 of 2019, pending on the file of the IV Additional Family Court at Madras and transfer the same to the Sub-Court, Ranipet, Vellore District.

For Petitioner : Mr.B.Jayaraman

For Respondent : Mr.R.Karunakaran

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the petition in O.P.No.1452 of 2019, pending on the file of the IV Additional Family Court at Madras and transfer the same to the Sub-Court, Ranipet, Vellore District

2. The case of the petitioner is that she married to the Respondent on 30.03.2015 at G.N.Mahal, Anna Salai, Arcot, Vellore District, according to Hindu Rites and customs. The couples had set up their matrimonial home at Chennai and lived happily. Out of the said wedlock, a girl child by name Devasana was born on 2.10.2017 at CMC Hospital, Vellore. Since the respondent did not take care of the petitioner and his daughter as a dutiful husband and father, has joined hands with his parents and demanded dowry and continuously started harassing the petitioner. The respondent deserted the petitioner and child due to the reason that he expected a male child but a girl child was born. The respondent assigning



various false and frivolous allegations against the petitioner had filed F.C.O.P.No.1452 of 2019 under Section 13 (1) (ia) of the Hindu Marriage Act. The petitioner states that now she is residing at her parents home at Ranipet. Since, the petitioner is having a 1 1/2 years old child, she finds it difficult to travel from Ranipet to Chennai along with the child to attend the Court proceedings. Therefore, she seeks transfer of the F.C.O.P.No.1452 of 2019 filed by the husband before the IV Additional Family Court, Chennai to Sub Court, Ranipet.

3. The learned counsel for the petitioner/wife would submit that the petitioner is living in her parental house along with her aged parents and she is depending upon her parents for her livelihood. Since the child is aged about 1 1/2 year, she finds it very difficult to travel along with the child from Ranipet to Chennai for attending each and every hearings. If the case is transferred to the Sub Court, Ranipet, no prejudice would be caused to the respondent. Hence, the petitioner came this Court by way of this petition, seeks transfer the case pending before the IV Additional Family Court, Chennai to the file of the Sub Court, Ranipet.

4. The learned counsel appearing for the respondent submitted that the Family Court has also directed the husband to pay a sum of Rs.2,000/- as travelling expenses for the wife to travel from Ranipet to Chennai to attend the proceedings and accordingly, the respondent is ready and willing to pay the travelling expenses. The learned counsel further submitted that since the respondent is working in the ship and he will work for four months in the ship and return to home only for two months, he is unable to attend every dates of hearing. The respondent father, who is the power of Attorney holder defending the case on his behalf. Since the respondent father is an aged person, it will be difficult for him to travel to Ranipet to attend the Court proceedings and hence, prays for dismissal of this transfer miscellaneous petition.

5. Considering the convenience of the parties, this Court is inclined to withdraw the F.C.O.P.No.1452 of 2019 pending on the file of IV Additional Family Court at Chennai and transfer the same to Sub Court, Ranipet. Taking into account the grievance expressed by the respondent counsel that the respondent is unable to attend every dates of hearing, as he was travelling in the ship, he is permitted to defend by his lawyer and can appear before the Court below at the time of Trial.

6. Accordingly, the H.M.O.P.No.1452 of 2019 pending on the file of IV Additional Family Court, Chennai is withdrawn and transferred to the file of Sub Court, Ranipet.



7. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

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Sub Assistant Registrar

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To

1.IV Additional Judge Family Court, Chennai

2.The Sub Judge, Ranipet.

+1cc to Mr.R.Karunakaran, Advocate SR.95894

+2cc to Mr.B.Jayaraman, Advocate SR.95901

TR C.M.P. No.763 of 2019
and
C.M.P.No.21319 of 2019

RK(CO)
CB(07/01/2020)