

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Tr.CMP.Nos.949 of 2018
and
C.M.P.No.23381 of 2018

M.Sathiya Priya ... Petitioner/Respondent

Vs.

Mano Emerson Wacher ... Respondent/Petitioner

PRAYER: Transfer Civil Miscellaneous petitions filed under section 24 of the Civil Procedure Code, praying to withdraw the O.P.No.1729 of 2018 now pending on the file of the I Addl. Judge, Family Court at Chennai and transfer the case to the file of the Family Court at Chengalpattu.

For petitioner : Mr.K.Premkumar

For Respondent : M/s.S.K.Santhakumari

O R D E R

This petition is filed by the petitioner seeking to withdraw the O.P.No.1729 of 2018 now pending on the file of the I Addl. Judge, Family Court at Chennai and transfer the case to the file of the Family Court at Chengalpattu.

2. The petitioner is the wife. She is a resident of Sithalapakkam. The respondent / husband is a resident of Chennai. He filed a petition for divorce before I Addl. Judge, Family Court, Chennai. The petitioner wife states that for travelling to Chennai she has to take two breaks from Sithalapakkam to Tambaram and Tambaram to Chennai. Whereas, she can directly travel from Sithalapakkam to Chengalpattu by bus and that will reduce the physical hardship caused to her. Therefore, she seeks transfer of the case filed by the respondent from Family Court, Chennai to Chengalpattu.

3. The learned counsel for the respondent would contend that the distance between Sithalapakkam to Chennai is 26 Kms and distance between Chengalpattu to Chennai is 40 Km. Therefore, travelling to Chennai is convenient rather than travelling to Chengalpattu. The learned counsel would also submit that they will undertake to provide transportation expenses by an Air Conditioned car for travelling between Sithalapakkam to Family Court, Chennai. Admittedly distance between her residence and Chengalpattu is around 40 Kms. But distance to Family Court, Chennai is 26 Kms. Either way she has to travel and has to spend considerable time for the same. Her only concern is that she has to take two breaks to change buses. Now that the grievance is addressed by the husband and the hardship is lessened by the undertaking given before this Court. Considering the submissions and the distance between the places of residence and the Court, this Court is inclined to dispose of petition with following directions:

i) The respondent husband shall bear all the travel expenses for the petitioner / wife by Air conditioned car from Sithalapakkam to Family Court, Chennai and back to her residence.

ii) The I Additional Family Court, Chennai, is directed to dispose of the O.P.No.1729 of 2018 within a period of three months from the date of receipt of a copy of this order.

4. With the above observations, the transfer civil miscellaneous petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1. I Additional Family Court, Chennai.

+1cc to Mrs.K.Santhakumari, Advocate sr.36237(18/07/19)

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and
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nr 02/07/2019