

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.186 of 2020

S.Shobana

.. Petitioner

-vs-

R.Vijayakumar

... Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.198 of 2019 pending on the file of the learned Principal Subordinate Judge, Hosur, Krishnagiri District and transfer the same to the Family Court at Tiruchirappalli to try the case in accordance with law.

For Petitioner :: Ms.M.Ezhilarasi
For Respondent :: No appearance

ORDER

Heard learned counsel for the petitioner through video conferencing due to the Covid-19 pandemic.

2. The petitioner, Mrs.Shobana, Wife of Mr.R.Vijayakumar, the respondent herein has filed this transfer civil miscellaneous petition seeking an order to withdraw the H.M.O.P.No.198 of 2019 from the file of the Principal Sub Court, Hosur, Krishnagiri District and transfer the same to the file of the Family Court at Tiruchirappalli for disposal in accordance with law, as the distance between Tiruchirappalli and the Principal Sub Court, Hosur is about 300 Kms.

2. Learned counsel appearing for the petitioner submits that after the marriage was solemnized on 7.11.2011 at Kandh Saras Mahal at Medical College Road, Thanjavur, as per the Hindu religious rites and customs, in the presence of the well wishers belonging to both the families, they were living together at Hosur, as the respondent was working in a pharmaceutical company near Hosur. Out of the said wedlock, a male child was born on 25.7.2012 and later a female child was also born on 22.5.2014. Now they are aged about 8 years and 6 years respectively. With these two small children, the petitioner may not be able to

undertake a long journey to the Principal Sub Court, Hosur. Moreover, it is also stated that the respondent has not taken care of the petitioner and her children. Therefore, she lodged a complaint before the Superintendent of Police. Thereafter, the respondent has filed the H.M.O.P.No.198 of 2019 under Section 10 of the Hindu Marriage Act for judicial separation. As the matter has to be contested, the same needs to be transferred to the Family Court, Tiruchirappalli where the petitioner and her family members are residing.

3. After the Court notice was served on the respondent, no one has entered appearance. That shows that the respondent has no objection for allowing the transfer civil miscellaneous petition. Secondly, the petitioner is having two small children aged about 8 years and 6 years respectively and with them, it will be very difficult for her to undertake a journey of 300 Kms., from Tiruchirappalli to Hosur. Therefore, finding the balance of convenience in favour of the petitioner, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.198 of 2019 is withdrawn from the file of the Principal Sub Court, Hosur, Krishnagiri District and transferred to the file of the Family Court at Tiruchirappalli for an expeditious disposal on merits. Consequently, C.M.P.No.5945 of 2020 is closed.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Judge
Hosur, Krishnagiri District

2. The Family Court Judge
Tiruchirappalli

+1 cc to M/s.M.Ezhilarasi, Advocate Sr.No.26942

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RSV(CO)

RMP(04/09/2020)