

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.149 of 2020

B.Anusha .. Petitioner/Respondent
Versus
R.Raja .. Respondent/Petitioner

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.1530 of 2019 pending on the file of learned Additional Family Court, Coimbatore, and to transfer the same to the file of learned Sub-Court, Poonamallee, as M.C.No.29 of 2019 is pending at Judicial Magistrate II, Poonamallee.

For Petitioner : Mr.Shiva
for M/s.Susan Mary
For Respondent : No Appearance

O R D E R

Heard the parties through Video Conferencing due to COVID-19 pandemic.

2. The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.1530 of 2019 from the file of learned Additional Family Court, Coimbatore, to the file of learned Sub-Court, Poonamallee, as M.C.No.29 of 2019 filed by the wife is pending before the learned Judicial Magistrate No.II, Poonamallee.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 17.02.2016 at Karumariamman Temple at Thiruverkadu, in accordance with Hindus Rites and Customs. When they were living together, even for trivial issue, the respondent/husband used to pickup quarrel and even, some time, he used to beat his wife. Finally, he has driven his wife out of matrimonial home, which took place within one year of marriage. Whiles, in the year 2018, the respondent/husband has committed fraud by cheating people in some chit fund business and thereafter, he eloped along with his family members from Coimbatore to Thirukazhukundram. Subsequently, she was compelled by the respondent/husband for reunion and accordingly,

she has also lived with him for a short period. However, during October, 2020, by taking jewels of wife, he eloped with his family members deserting the petitioner/wife at her parental home at Avadi. Later on, a male child was born to them on 18.06.2019, now he is aged about one year. Finding no further development, she has filed M.C.No.29 of 2019 on the file of learned Judicial Magistrate No.2, Poonamallee, seeking maintenance to the tune of Rs.15,000/- each per month to her as well as to the child, and the same is pending. Subsequently, as a counter blast, the respondent/husband has filed H.M.O.P.No.1530 of 2019 on the file of learned Additional Family Court, Coimbatore, seeking for divorce. It is further submitted that since the petitioner/wife is having one year child in her custody, it is difficult for her to undertake long journey from Poonamalle to Coimbatore, which is more than 500 kms., to attend each and every hearing. On this basis, learned counsel prayed for transferring the case filed by the husband to the file of learned Sub-Court, Poonamalle, as this will be convenient to both parties to conduct both cases at one place.

4. Although Court notice is served on the respondent/husband, no one represented the case on behalf of him, that shows that he has no objection in transferring the case to the file of learned Sub-Court, Poonamalle. Secondly, it is seen that the petitioner/wife, who is living at Avadi with her mother, is having one year male child in her custody and therefore, it is not feasible for her to undertake long journey from Avadi to Coimbatore, which is more than 500 kms., to attend each and every hearing, that too, at this trying time due to COVID-19 pandemic. Thirdly, the petitioner/wife has filed M.C.No.29 of 2019 on the file of learned Judicial Magistrate No.2, Poonamallee, seeking maintenance, for which, respondent/husband has to travel to Poonamallee to attend the hearing. Therefore, for the balance of convenience of parties, H.M.O.P.No.1530 of 2019 filed by the husband is withdrawn from the file of learned Additional Family Court, Coimbatore, consequently, transferred to the file of learned Sub-Court, Poonamallee. On such transfer, learned Sub-Court, Poonamallee, shall dispose of the same in the manner known to law as expeditiously as possible. With the above direction, this Transfer Civil Miscellaneous Petition is allowed. Consequently, connected CMP.No.5045 of 2020 is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

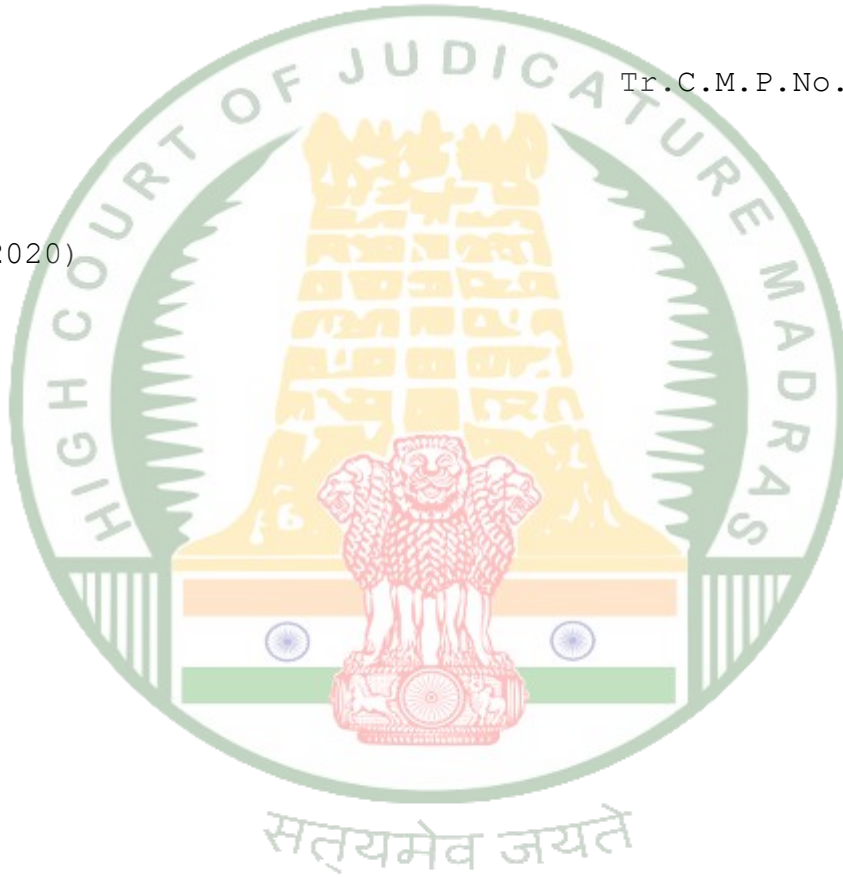
1.The Additional Judge
Family Court, Coimbatore

2.The Subordinate Judge
Poonamalle

3.The Judicial Magistrate II
Poonamalle

Tr.C.M.P.No.149 of 2020

NMI (CO)
SP(01/10/2020)



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