

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.09.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P. No.121 of 2020 and C.M.P. No.4200 of 2020

S.Nithya

.. Petitioner

-vs-

A.N.Senthil

... Respondent

Prayer: Petition filed under Section 24 of C.P.C. to withdraw and transfer H.M.O.P. No.150 of 2019 pending on the file of the Principal Sub Court at Dindugul to Family Court at Chennai.

For Petitioner : Mr.K.Natarajan

For Respondent : Mr.P.Kannankumar

O R D E R

S.Nithya, the petitioner herein has filed this petition for transfer of H.M.O.P. No.150 of 2019 pending on the file of the Principal Sub Court at Dindugul to the file of the Family Court, Chennai.

2.When the matter is taken up for hearing, both the parties have appeared through Video Conferencing with their respective counsel. The petitioner and her father made submissions that the respondent has been consuming alcohol regularly.

3.In reply, the respondent submitted that he will not go to wine shop in his life time and he will not take drinks at any point of time in the larger interest of his wife and children.

4.The father of the respondent would submit that his son is not listening to his words and therefore, he will not be in a position to give any assurance on behalf of his son.

5.The father of the petitioner submitted that unless both the respondent and his father give joint assurance in taking care of the petitioner and her children, it will be unsafe for the petitioner along with her two children to go for matrimonial life since it would cause them physical or mental cruelty and therefore, the petitioner may not be able to go to her

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matrimonial home.

6.At this stage, the petitioner refused to go to the matrimonial home along with her children.

7.Considering the fact that the petitioner is having two children, namely, son and daughter, who are aged about 16 and 13 years, it would not be able to undertake a long journey from Sub Court Dindigul to the Family Court, Chennai. Accordingly, the Transfer C.M.P. stands allowed and the H.M.O.P. No.150 of 2019 pending on the file of the Principal Sub Court, Dindugul is withdrawn and transferred to the file of the Family Court, Chennai.

8.It is made clear that if the respondent husband wants to appear the case through Video Conferencing, it is open to him to do so as per procedure known to law. Consequently, C.M.P. No.4200 of 2020 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The Principal Sub Court,
Dindugul.

2.The Family Court,
Chennai.

+1cc to Mr.K.Natarajan, Advocate SR.31980

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AJS (CO)
CB(06/11/2020)

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