

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.08.2020
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.145 of 2020

S.Karthika

.. Petitioner

Versus

S.Praveen

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw F.C.O.P.No.162 of 2019 pending on the file of learned Family Court, Chengalpet, and to transfer the same to the file of learned Sub-Court, Tambaram.

For Petitioner : K.V.Sudhir Babu

For Respondent : No Appearance(served)

O R D E R

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

2. Mrs.S.Karthika/petitioner herein, wife of Mr.S.Praveen/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer F.C.O.P.No.162 of 2019 from the file of learned Family Court, Chengalpet, to the file of learned Sub-Court, Tambaram. The above said FCOP was filed by the respondent/husband seeking for divorce.

3. It is averred in the affidavit filed in support of this transfer petition that the marriage between the petitioner and the respondent was solemnized on 03.06.2018 at Amsa Mahal, Nenmeli, Chengalpattu, as per Hindu Rites and Customs, in the presence of well-wishers of both family. Out of the said wedlock, a male child was born to them on 27.02.2019, now aged about 1 ½ years. After the marriage, the respondent/husband and his family members were harassing the petitioner/wife demanding dowry and even at one point of time, the respondent/husband beaten her physically. Therefore, in view of such mental agony, she left the matrimonial home and thereafter, all of a sudden, the respondent/husband has filed F.C.O.P.No.162 of 2019 on the file of learned Family Court, Chengalpattu, seeking for divorce. It is also stated in the affidavit that she is taking steps to file a petition seeking for restitution of conjugal rights before the learned Sub-Court, Tambaram. It is further averred that the

petitioner/wife is having ½ years old male child with her custody and therefore, it will be difficult for her to undertake more than 50 kms., to attend each and every hearing at Chengalpet, that too, at this difficult time, due to spiking of COVID-19 pandemic in Chennai. On this basis, the petitioner/wife prayed for transferring the case filed by her husband to the file of learned Sub-Court, Tambaram.

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, Tambaram. Secondly, the petitioner/wife is having 1 ½ years old male child with her custody and she is presently residing at Tambaram with her parents. Thirdly, the distance between Tambaram and Chengalpet is about 50 kms., and therefore, it will be difficult for her travel thus far along with her tender child to attend each and every hearing, that too, at this difficult time, due to spiking of COVID-19 pandemic in Chennai. Fourthly, she is also taking steps to file a petition for restitution of conjugal rights, which shows that she is ready for reunion. Therefore, considering the balance of convenience in favour of wife, F.C.O.P.No.162 of 2019 filed by the husband is withdrawn from the file of learned Family Court, Chengalpet, consequently, transferred to the file of learned Sub-Court, Tambaram. On such transfer, learned Sub-Court, Tambaram, 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.4727 of 2020 is closed.

Sd/-
Assistant Registrar(co)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

- 1.The Judge, Family Court, Chengalpet.
2. The Judge, Sub-Court, Tambaram.

Tr.C.M.P.No.145 of 2020

A.SK(15/10/2020)