

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.92 of 2020

Jeevitha @ Monisha

.. Petitioner

-vs-

A.Aresh Kumar

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the O.P.No.5341 of 2019 on the file of the IV Additional Family Court at Chennai and transfer the same to the Sub Court at Tirupathur.

For Petitioner :: Mr.M.Rajangam

For Respondent :: No appearance

ORDER

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

2. The petitioner, Mrs.Jeevitha @ Monisha, Wife of Mr.A.Aresh Kumar, the respondent herein has filed this transfer civil miscellaneous petition seeking withdrawal of the H.M.O.P.No.5341 of 2019 from the file of the IV Additional Family Court, Chennai and transfer the same to the Sub Court, Tirupathur, Vellore District, to be tried along with H.M.O.P.No.225 of 2019 filed by the petitioner seeking dissolution of marriage.

3. Learned counsel appearing for the petitioner submitted that the marriage of both the petitioner and the respondent was solemnized on 14.6.2019 at Chhajer Bhavan Tirumana Mandapam, Llyods Road, Gopalapuram, Chennai, as per the Hindu rites and customs. But they were not able to live together. Therefore, the petitioner filed H.M.O.P.No.225 of 2019 before the Sub Court, Tirupathur, Vellore District seeking to dissolve the marriage as null and void under Section 12(i)(a) of the Hindu Marriage Act. Similarly, the respondent also filed H.M.O.P.No.5341 of 2019 before the IV Additional Family Court, Chennai seeking dissolution of marriage under Section 12(i)(c) of the Hindu Marriage Act. Since the petitioner is residing at Tirupathur,

which is 250 Kms., away from Chennai, it would not only be difficult, but also cause huge inconvenience and risk to the petitioner to undertake the long journey of 500 Kms., to and fro from Tirupathur to Chennai due to the present Corona virus pandemic. Therefore, when both the petitioner and the respondent are seeking for dissolution of marriage, if the H.M.O.P.No.5341 of 2019 filed by the respondent is withdrawn from the IV Additional Family Court, Chennai and transferred to the Sub Court, Tirupathur, the issue can be sorted out by the parties.

4. None appeared for the respondent.

5. Having considered the fact that both the petitioner and the respondent have filed petitions for dissolution of marriage that had taken place between them, namely, H.M.O.P.No.225 of 2019 filed by the petitioner before the Sub Court, Tirupathur and H.M.O.P.No.5341 of 2019 filed by the respondent before the IV Additional Family Court, Chennai and also taking note of the further fact that the Covid-19 virus pandemic is grim and is spiking everyday in Chennai, but it is not so in Tirupathur, it will be proper to transfer the petition filed by the respondent from Chennai to Tirupathur, instead of the petitioner undertaking the journey to Chennai. Accordingly, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.5341 of 2019 is withdrawn from the file of the IV Additional Family Court, Chennai and transferred to the Sub Court, Tirupathur, Vellore District for disposal on merits, expeditiously. Consequently, C.M.P.No.3290 of 2020 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

SS
To

1. The Judge
The IV Additional Family Court
Chennai

2. The Subordinate Judge
Tirupathur, Vellore District

Tr.C.M.P.No.92 of 2020

LN(CO)
RMP(06/08/2020)