

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.08.2020
CORAM
THE HONOURABLE MR.JUSTICE T.RAJA
Tr.C.M.P.No.77 of 2020

G.Umarani

.. Petitioner

Versus

N.Naveenkumar

.. Respondent

Prayer: Petition filed under Section 24 of the Civil Procedure Code praying to withdraw O.P.No.4 of 2020 pending on the file of Sub-Court, Hosur, and to transfer the same to the file of Sub-Court, Gudiyattam, Vellore District.

For Petitioner : Mr.K.A.Ravindran

For Respondent : Ms.Rakhi

O R D E R

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

2. Mrs.G.Umarani/petitioner herein, wife of Mr.N.Naveenkumar/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer O.P.No.4 of 2020 from the file of learned Sub-Court, Hosur, to the file of learned Sub-Court, Gudiyattam, Vellore District. The above said OP was filed by the respondent/husband seeking for restitution of conjugal rights.

3. Learned counsel appearing for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 27.08.2017 at Krishna Sai Kalyana Mandapam, Kanipakkam, as per Hindu Rites and Customs, in the presence of well-wishers of both family. The petitioner/wife is working in Infosys, Bangalore, and the respondent/husband is working in Erofin India Private Limited, Bangalore, and both of them were travelling for their work by train from Hosur to Bangalore. After few months of marriage, he started ill-treating her and even some, it is alleged, he used to behave indifferently. In the meanwhile, she also gave birth to a male child on 20.11.2019. However, till date, neither the respondent/husband nor his family members came to see the child.

Whiles, all of a sudden, he has filed O.P.No.4 of 2020 on the file of learned Sub-Court, Hosur, seeking for restitution of conjugal rights. It is further submitted that the distance between Hosur and Gudiyattam is more than 170 kms., and therefore, it is not feasible for the petitioner/wife with her infant to undertake such a long journey to attend each and every hearing, that too, at this difficult time, due to COVID-19 pandemic. On this basis, learned counsel prayed for transferring the case filed by the husband to the file of learned Sub-Court, Gudiyattam, Vellore District.

4. Although learned counsel for the respondent/husband sought time to get instruction, this Court is not inclined to grant the same. Firstly, the petitioner/wife is having 7 months old boy child with her custody and she is residing at Gudiyattam, Vellore District. Secondly, the distance between Gudiyattam and Hosur is more than 170 kms., and therefore, at this difficult time, due to COVID-19 pandemic, it is not safe for her to travel thus far along with her infant to attend each and every hearing. Hence, considering the balance of convenience in favour of wife, O.P.No.4 of 2020 filed by the husband is withdrawn from the file of learned Sub-Court, Hosur, consequently, transferred to the file of learned Sub-Court, Gudiyattam, Vellore District. On such transfer, learned Sub-Court, Gudiyattam, Vellore District, 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.2561 of 2020 is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Subordinate Judge, Hosur
- 2.The Subordinate Judge, Gudiyattam

Tr.C.M.P.No.77 of 2020

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