

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.101 of 2020

Dr.C.A.Amrita .. Petitioner/Respondent

Versus

Dr.A.Vadivel .. Respondent/Petitioner

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw M.O.P.No.15 of 2020 pending on the file of learned Family Court Judge, Pondicherry, and to transfer the same to the file of learned Family Court, Chennai.

For Petitioner : Mr.P. Mohan Raj

For Respondent : Mr.T.Sai Krishnan

O R D E R

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

2. Dr.C.A.Amrita/petitioner herein, wife of Dr.A.Vadivel/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer M.O.P.No.15 of 2020 from the file of learned Family Court, Pondicherry, to the file of learned Family Court, Chennai. The above said MOP was filed by the respondent/husband seeking for divorce.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 08.09.2017 at GPL Klayana Mandapam, Lakshmipuram, Kolathur, Chennai, as per Hindu Rites and Customs. After the marriage, the petitioner/wife was appointed as Assistant Surgeon under the State Government and she was posted at Villupuram. However, due to inferiority complex developed by the respondent/husband, he started abusing the petitioner/wife verbally, some time even physically. On account of her job, she stayed at Villupuram and whenever he visits Villupuram, he abused her using filthy language. Finally, she sought for transfer to Chennai so as to live peacefully with the respondent/husband and accordingly, she was also transferred to Chengalpattu Medical College and staying with her parents at Chennai. Whiles, she

received a summon from the learned Family Court, Puducherry, in M.O.P.No.15 of 2020, from which, she came to know about the filing of divorce case by her husband.

4. It is further submitted that now the petitioner/wife is residing at Villivakkam, Chennai, and therefore, it is not feasible for her to undertake a long journey from Villivakkam to Puducherry to attend each and every hearing, as she is currently on COVID-19 duty. Hence, if the case is transferred to the file of learned Family Court, Chennai, it would be convenient for her as it is only below 10 kms. from her residence at Villivakkam.

5. When the matter was taken up on 21.09.2020, learned counsel for the respondent/husband opposing the prayer for transfer argued that the distance from Chennai to Pondicherry is about 90 kms., whereas the distance from Chennai to Chengalpattu, where she is working, is about 70 kms., and therefore, as she has been travelling to attend work at Chengalpattu, question of 20 kms. difference does not make any difference, hence, the prayer for transfer is liable to be rejected.

6. Although the petitioner/wife has shown interest for reunion, the respondent/husband was not willing for reunion and therefore, it is submitted by the petitioner/wife that in the event of divorce, her belongings should be handed over to her. But, for that alternative prayer also, the respondent/husband has not agreed for the same.

7. At this stage, today, learned counsel for the respondent/husband submitted that he has given change of vakalat. When the matter has been adjourned frequently and that the parties were directed to go for amicable settlement by filing a memo, now, the respondent/husband cannot, for no reason, withdraw the vakalat.

8. In any event, since the plea of the petitioner/wife seeking a transfer is a narrow one, considering the fact that the petitioner/wife being a woman is working now at Chengalpattu and residing at Villivakkam, Chennai, from where, it is just below 10kms. to the Family Court, Chennai, this Court is inclined accept the prayer for transfer made by the petitioner/wife. Accordingly, considering the balance of convenience in favour of wife, H.M.O.P.No.15 of 2020 filed by the husband is withdrawn from the file of learned Family Court, Pondicherry, consequently, transferred to the file of learned Family Court, Chennai. Besides, taking note of prevailing circumstances of COVID-19 pandemic all over the world, the parties are permitted to attend the proceedings virtually and accordingly, they are directed to furnish a list of witnesses and on receipt of the same, learned Family Court, Chennai, shall make an arrangement for Virtual Court proceedings and 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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To

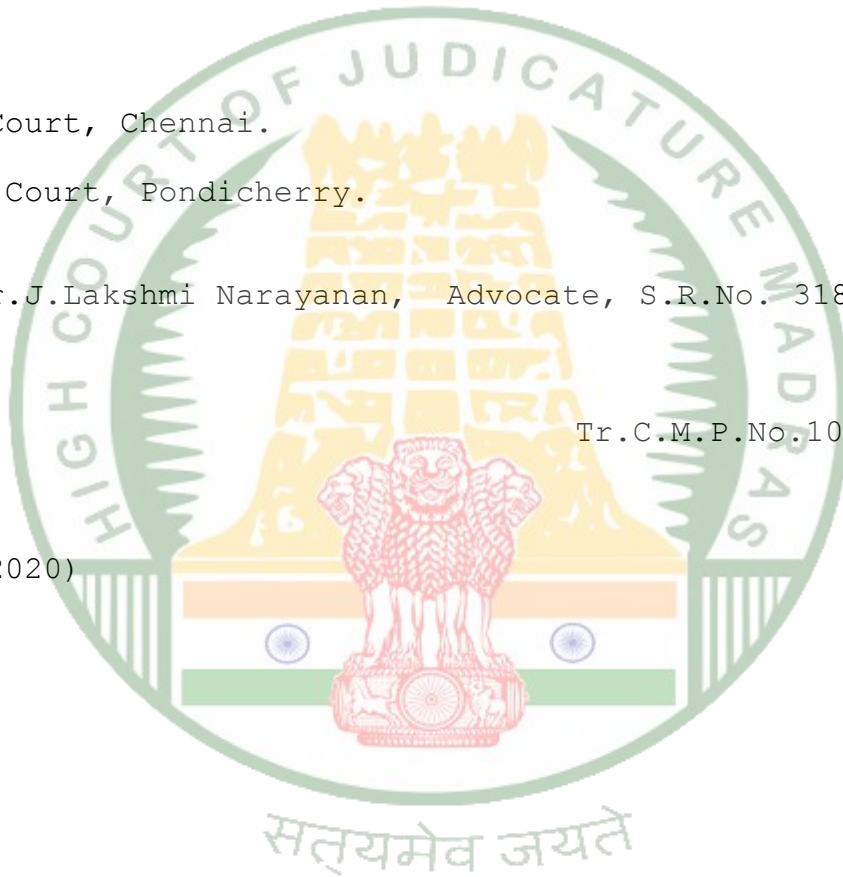
1.Family Court, Chennai.

2. Family Court, Pondicherry.

+1cc to Mr.J.Lakshmi Narayanan, Advocate, S.R.No. 31851

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VSN II (CO)
GN(15/10/2020)



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