

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.197 of 2020

D.Jayanthi

..Petitioner

Versus

L.Sathish

..Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw F.C.O.P.No.78 of 2019 pending on the file of learned Family Court, Chengalpet, and to transfer the same to the file of learned Family Court, Thiruvallur.

For Petitioner : Mr.C.Srinivasan

For Respondent : No Appearance

O R D E R

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

2. The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer F.C.O.P.No.78 of 2019 from the file of learned Family Court, Chengalpet, to the file of learned Family Court, Thiruvallur. The above said FCOP 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 22.01.2018 as per Hindu Rites and Customs. Soon after the marriage, the respondent/husband and his family members have started ill-treating her and they have even instructed her not to go to her parental home. It is further alleged that the respondent/husband is having illegal affairs with many girls. Therefore, in view of such mental humility, she left from the matrimonial home and she is now presently living her mother who is a cancer patient. Whiles, all of a sudden, the respondent/husband has filed the above said FCOP seeking for divorce on the file of learned Family Court,

Chengalpet, which is more than 70 kms., from the residence of the petitioner/wife, hence, since the petitioner/wife has to take care of her mother who is a cancer patient, it is difficult for her to undertake long journey from Thiruvallur to Chengalpet, which is more than 70 kms., to attend each and every hearing and on this basis, learned counsel prayed for transferring the case filed by the husband to the file of learned Family Court, Thiruvallur.

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 Family Court, Thiruvallur. Considering the fact that the petitioner/wife has to take care of her mother, who is a cancer patient, I am of the view that it is not feasible for her to undertake long journey from Thiruvallur to Chengalpet, which is more than 70 kms., to attend each and every hearing, that too, at this trying time due to COVID-19 pandemic. Therefore, considering the balance of convenience in favour of the petitioner/wife, F.C.O.P.No.78 of 2019 filed by the husband is withdrawn from the file of learned Family Court, Chengalpet, consequently, transferred to the file of learned Family Court, Thiruvallur. On such transfer, learned Family Court, Thiruvallur, 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.6114 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To

1. The Judge, Family Court, Chengalpet.
2. The Judge, Family Court, Thiruvallur.

+2ccs to Mr.C.Srinivasan, Advocate, S.R.No.25248

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MP (CO)
KKV/03/08/2020