

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.115 of 2020

Sangeetha

..Petitioner

Versus

Thangamani

..Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.448 of 2019 pending on the file of learned Family Court, Cuddalore, and to transfer the same to the file of learned Family Court, Kanchipuram.

For Petitioner : Ms.G.Preethy
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 H.M.O.P.No.448 of 2019 from the file of learned Family Court, Cuddalore, to the file of learned Family Court, Kanchipuram. The above said HMOP was filed by the husband seeking for divorce on the ground of cruelty.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 28.10.2018 at Sri Narayana Sesha Mahal Cuddalore, Mudunagar, as per Hindu Rites and Customs. After the marriage, they were blessed with a male child, aged about 3 years now. Whiles, due to misunderstanding between them, the respondent/husband has filed H.M.O.P.No.448 of 2019 before the learned Family Court, Cuddalore, seeking for divorce. It is further submitted that the distance between Cuddalore to Kanchipuram is about 150 kms. and therefore, it would be difficult for her to undertake such a long journey and at this

point of time, this would ultimately lead into exposure of COVID-19. She further submitted that the case filed by the wife in H.M.O.P.No.42 of 2020 is pending before the learned Family Court, Kanchipuram, seeking for restitution of conjugal rights, therefore, if the case filed by the husband is transferred to the file of learned Family Court, Kanchipuram, the same can be clubbed together with the case filed by the wife for joint trial.

4. In view of the above, considering the fact that the petitioner/wife is having 3 years old child, undertaking of long journey from Cuddalore to Kanchipuram, which is about 150 kms., at this moment, would lead to exposure of COVID-19, and also the fact that the case filed by the wife in H.M.O.P.No.42 of 2020 seeking for restitution of conjugal rights is also pending before the learned Family Court, Kanchipuram, this Court is inclined to transfer the case filed by the husband to the file of learned Family Court, Kanchipuram. Accordingly, H.M.O.P.No.448 of 2019 filed by the husband is withdrawn from the file of learned Family Court, Cuddalore, consequently, transferred to the file of learned Family Court, Kanchipuram, to be tried along with H.M.O.P.No.42 of 2020 filed by the wife. On such transfer, learned Family Court, Kanchipuram, shall dispose of both the cases together 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.4041 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Judge, Family Court, Cuddalore.
2. The Judge, Family Court, Kanchipuram.

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RSV (CO)
KKV/03/09/2020