

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.156 of 2020

S.Sneha Varshini

.. Petitioner

-vs-

R.Praveen

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the M.O.P.No.476 of 2019 on the file of the Family Court, Krishnagiri and transfer the same to the Family Court at Chennai.

For Petitioner :: Mr.P.Satheesh Kumar

For Respondent :: Mr.V.Senthilkumar

ORDER

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

2. The petitioner, Mrs.S.Sneha Varshini, Wife of Mr.R.Praveen has come to this Court seeking withdrawal of the M.O.P.No.476 of 2019 from the file of the Family Court, Krishnagiri and transfer the same to the file of the Family Court at Chennai.

3. Learned counsel appearing for the petitioner submitted that even after the petitioner married the respondent on 11.11.2018 at Arulmighu Murugan Temple, Kattinayanapalli, Krishnagiri District as per the Hindu rites and customs in the presence of well wishers belonging to both the families, has been living with her parents, since the respondent has avoided her. The respondent is also working in a software company in Bangalore. Apart from his profession, the respondent is also carrying on textile business with one Ms.Vinodhini, who is staying just opposite to his house in Bangalore. When the petitioner visited Bangalore, she found that the respondent was all along spending time with his business partner, who is

residing just opposite to his house in Bangalore. Even at the time of their honeymoon trip, the respondent, expressing his interest for the business partner's presence with them, further indicated that the respondent is having an illicit affair with the said business partner. In the meanwhile, taking advantage of the long separation, the respondent has filed M.O.P.No.476 of 2019 on the file of the Family Court, Krishnagiri. Therefore, she has been advised to file this transfer civil miscellaneous petition seeking transfer of the said case to the Family Court at Chennai, since the petitioner is residing with her parents in Chennai.

4. Learned counsel appearing for the respondent opposed the transfer on the ground that since the petitioner's father is working as Inspector of Police in Mount Road Police Station, there will be a life threat to the respondent and his family members if the case is transferred to the Family Court at Chennai.

5. I do not find any merit in the contention of the learned counsel for the respondent. The reason is that Chennai being the capital, in every nook and corner, police force has been posted to take care of the law and order problem. Therefore, the apprehension entertained by the respondent opposing the transfer, cannot be espoused. Secondly, the petitioner is residing in Chennai along with her parents. When the petitioner's mother is also having orthopaedic problem, it will be difficult for the petitioner to undertake a long journey to Krishnagiri, which is 255 kms., from Chennai. Therefore, considering the balance of convenience in favour of the petitioner, the transfer civil miscellaneous petition stands allowed and the M.O.P.No.476 of 2019 is withdrawn from the file of the Family Court, Krishnagiri and transferred to the Family Court at Chennai for an expeditious disposal on merits. Consequently, C.M.P.No.5228 of 2020 is closed.

सत्यमेव जयते -s/d-

Assistant Registrar

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Sub-Assistant Registrar

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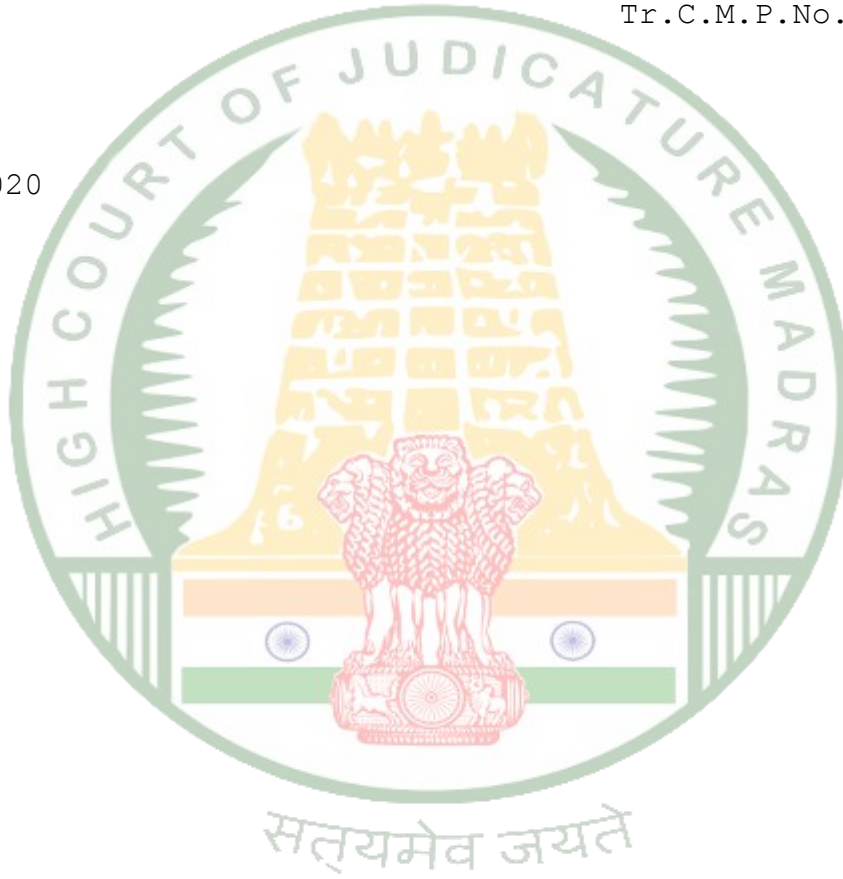
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To

1. The Family Court Judge
Krishnagiri
2. The Family Court Judge
Chennai

Tr.C.M.P.No.156 of 2020

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