

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.175 of 2020

Divya Bharathi

..Petitioner/ Respondent

Versus

Prasanth Kumar

.. Respondent/ Petitioner

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.20 of 2020 pending on the file of learned Sub-Court, Aathur, and to transfer the same to the file of learned Family Court, Villupuram.

For Petitioner : Mr.N.Suresh

For Respondent : Mr.L.Mouli

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.20 of 2020 from the file of learned Sub-Court, Aathur, to the file of learned Family Court, Villupuram. 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 16.05.2019 in a Temple Vadachennimalai, Aathur Taluk. After the marriage, they were blessed with a male child on 04.01.2020. Thereafter, the respondent/husband has been involved in all kinds of illegal activities and he was also having illegal relationship with other girls. Whiles, all of a sudden, he filed H.M.O.P.No.20 of 2020 before the learned Sub-Court, Aathur, seeking for divorce. It is further submitted that the distance between Aathur to Villupuram is about more than 120 kms., and therefore, it is not feasible for the petitioner/wife to travel thus far with 3 months old infant and if she is allowed to travel, this would ultimately lead into

exposure of COVID-19. On this basis, learned counsel for the petitioner prayed for transferring the case file by the husband to the file of learned Family Court, Villupuram.

4. In view of the above, considering the fact that the petitioner/wife is having 3 months old infant with her custody, it is not possible for her to undertake long journey from Villupuram to Aathur, which is more than 120 kms., to attend each and every hearing. Secondly, at this point of time, if she is allowed to undertake such a long journey, then this would ultimately lead into exposure of COVID-19 not only to her but also to the infant aged about 3 months only. Therefore, overruling the objection of the respondent/husband, this Court is inclined to transfer the case filed by the husband to the file of learned Family Court, Villupuram. Accordingly, H.M.O.P.No.20 of 2020 filed by the husband is withdrawn from the file of learned Sub-Court, Aathur, consequently, transferred to the file of learned Family Court, Villupuram. On such transfer, learned Family Court, Villupuram, 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.5755 of 2020 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To

1. Sub-Court, Aathur.
2. Family Court, Villupuram.

+1 cc to M/s.N.Suresh, Advocate Sr.No. 24736

VGII (CO)
RMP (06/08/2020)

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