

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.201 of 2020

A.Suguna

.. Petitioner

Versus

R.C.Anbusivashankar @ Sivashankar

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.829 of 2019 pending on the file of learned Sub-Court, Tambaram, and to transfer the same to the file of learned Sub-Court, Krishnagiri.

For Petitioner : Mr.G.Punniakoti

For Respondent : No Appearance

O R D E R

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

2. Mrs.A.Suguna/petitioner herein, wife of Mr.R.C.Anbusivashankar @ Sivashankar/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.829 of 2019 from the file of learned Sub-Court, Tambaram, to the file of learned Sub-Court, Krishnagiri. The above said HMOP was filed by the respondent/husband seeking for divorce.

3. Learned counsel appearing for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 15.04.2012 at Meenakshi Mahal, Salem Main Road, near Krishnagiri, in the presence of well-wishers of both family. The respondent/husband is working in Tech Info Solutions Private Limited, Bangalore, as Senior Software Engineer. After few months of marriage, he started ill-treating the petitioner/wife by giving physical and mental torture. Whenever the petitioner/wife tried to inform such distress events to her parents, the respondent/husband used to

threaten her. Therefore, the petitioner/wife had no option except to leave the matrimonial home. Finally, the respondent/husband has filed H.M.O.P.No.829 of 2019 on the file of learned Sub-Court, Tambaram, seeking for divorce on the ground of cruelty. Now, the petitioner/wife has been advised to file the present petition seeking to transfer the above said HMOP from the file of learned Sub-Court, Tambaram, to the file of learned Sub-Court, Krishnagiri. As the distance between Krishnagiri and Chennai is about 300 kms., it will be difficult for the petitioner/wife to travel thus far to attend each and every hearing, that too, at this difficult time, due to COVID-19 pandemic.

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 Sub-Court, Krishnagiri. Secondly, the distance between Krishnagiri and Chennai is about 300 kms. and therefore, it is not feasible for her to undertake long journey thus far, that too, at this difficult time, due to COVID-19 pandemic. Thirdly, COVID-19 situation in Krishnagiri is comparatively less than Chennai, where COVID-19 is spiking everyday. Thus, considering the balance of convenience in favour of wife, H.M.O.P.No.829 of 2019 filed by the husband is withdrawn from the file of learned Sub-Court, Tambaram, consequently, transferred to the file of learned Sub-Court, Krishnagiri. On such transfer, learned Sub-Court, Krishnagiri, 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.6142 of 2020 is closed.

Sd/-
Asst.Registrar

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Sub Asst. Registrar

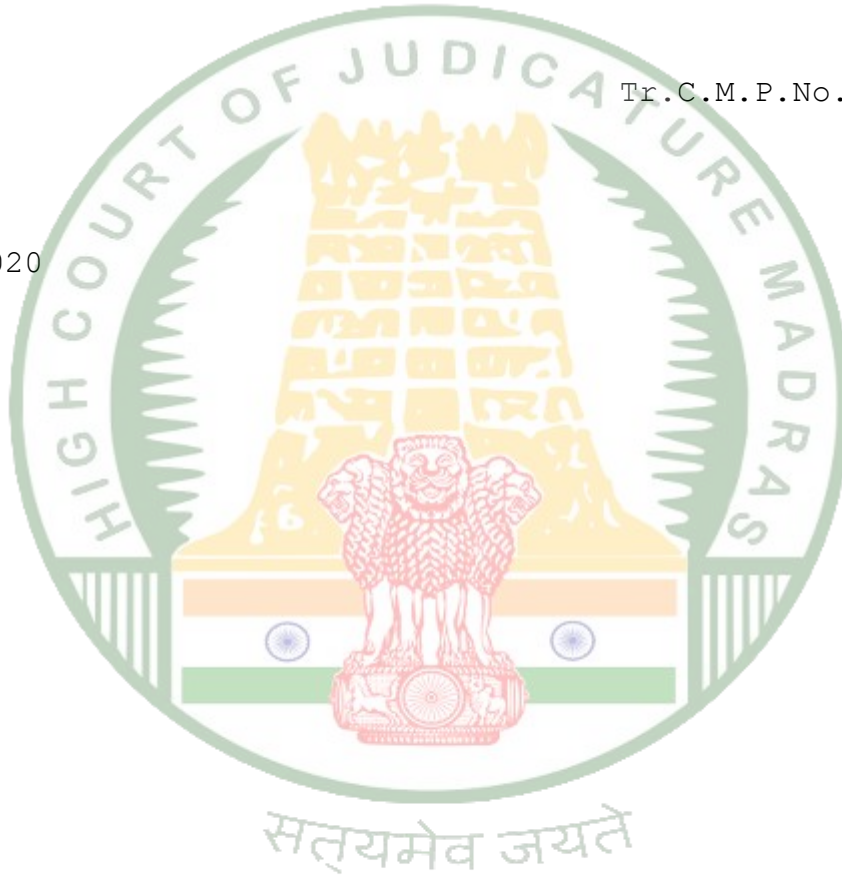
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To

- 1.The Subordinate Judge, Tambaram
- 2.The Subordinate Judge, Krishnagiri
- 3.The Section Officer
VR Section
High Court, Madras-104

kk(co)
aa09/09/2020

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