

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.204 of 2020

D.Chitra

.. Petitioner

Versus

P.T.Ramesh

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.50 of 2019 pending on the file of learned Family Court, Nagercoil, and to transfer the same to the file of learned Family Court, Chennai.

For Petitioner : Mr.S.Mohan

For Respondent : No Appearance

O R D E R

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

2. Mrs.D.Chitra/petitioner herein, wife of Mr.P.T.Ramesh/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.50 of 2019 from the file of learned Family Court, Nagercoil, to the file of learned Family Court, Chennai. The above said HMOP was filed by the respondent/husband seeking for dissolution of marriage.

3. Learned counsel appearing for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 11.11.2002 as per Hindu Rites and Customs, in the presence of well-wishers of both family. Out of the said wedlock, they were blessed with a male child on 25.08.2003. At the time of marriage, the respondent/husband was working as Research Assistant at Tamil Nadu Agricultural University, Coimbatore, and petitioner/wife was working as Assistant Engineer in Highways Department at Nagercoil. When they were living together, the respondent/husband left to Coimbatore leaving the petitioner/wife in his mother's house at Nagercoil and he used to visit her only during weekends from

Coimbatore. After the son was born, she had no support in the home to look-after the child and the respondent/husband has never shown his love and affection towards his son and wife. Subsequently, the petitioner/wife and her son left to the parental home and while she was living with her parents, she received a summon from the learned Family Court, Nagercoil, in and by which, she came to know that her husband has filed H.M.O.P.No.50 of 2019 seeking for dissolution of marriage.

4. It is further submitted that now the petitioner/wife has been transferred from Nagercoil to Chennai in view of order of transfer dated 14.05.2018 passed by the Director, Highways Research Centre, Chennai, and the said order of transfer is also annexed at page No.1 of the typed set of papers. Therefore, in view of official transfer, she has prayed for transfer of H.M.O.P.No.50 of 2019 filed by her husband on the file of learned Family Court, Nagercoil, to the file of learned Family Court, Chennai. It is further submitted that as the distance between Chennai and Nagercoil is more than 700 kms., it will be difficult for her to undertake such a long distance as she needs to take care of her aged mother and 16 years old son. It is further submitted that since the petitioner/wife is willing for reunion, if the case is transferred to the file of learned Family Court, Chennai, the matter can be settled amicably.

5. 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, Chennai. Secondly, now the petitioner/wife has been transferred to Chennai from Nagercoil vide proceedings 14.05.2018 and she is now working in the office of the Director, Highways Research Centre, Chennai. She is presently residing at Chennai along with her 16 years old son and aged mother. Therefore, accepting the balance of convenience in favour of wife, H.M.O.P.No.50 of 2019 filed by the husband is withdrawn from the file of learned Family Court, Nagercoil, consequently, transferred to the file of learned Family Court, Chennai. On such transfer, learned Family Court, Chennai, 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.6258 of 2020 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

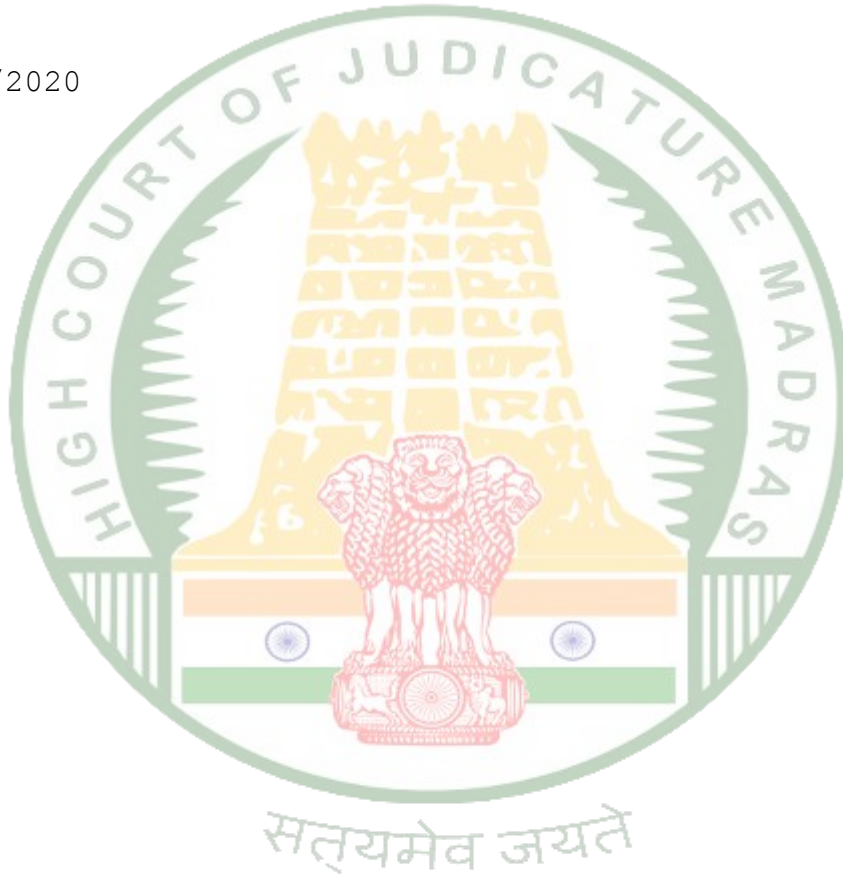
To

1.The Judge,
Family Court, Nagercoil.

2.The Judge,
Family Court, Chennai.

Tr.C.M.P.No.204 of 2020

spd[col]
srg 25/09/2020



WEB COPY