

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.418 of 2020

Meena
W/o Kumaran .. Petitioner/Respodent

-vs-

Kumaran
S/o Mohan ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.373 of 2019 on the file of the learned Subordinate Judge, Ponneri and transfer the same to the Family Court at Chennai.

For Petitioner :: Mr.R.Ganesh Kumar

ORDER

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

2. The petitioner, Mrs.Meena, Wife of Mr.M.Kumaran has come to this Court seeking withdrawal of the H.M.O.P.No.373 of 2019 from the file of the Sub Court, Ponneri and transfer the same to the file of the Family Court at Chennai.

3. Learned counsel appearing for the petitioner submitted that the distance between the Sub Court, Ponneri and the petitioner's residence is about 40 Kms., whereas the distance between her residence and the Family Court, Chennai is only 10 to 15 Kms. Secondly, in Chennai, both the petitioner and the respondent are having the facility of competent counsellors who can give better counselling to both the parties, whereas such facility may not be available in the Sub Court, Ponneri. Thirdly, learned counsel appearing for the petitioner, taking support from the averments made by the respondent in paragraph-4 of the application filed for divorce under Section 13(i)(i-a) of the Hindu Marriage Act alleging that the petitioner is unable to move from one place to another, submitted that in view of the

said neurological problem, the respondent also cannot have any objection for transfer.

4. But this Court is unable to accept the said submissions. The reason being that although the distance between the petitioner's residence and the Sub Court, Ponneri is around 35 to 40 Kms., and the distance between the petitioner's residence and the Family Court, Chennai is around 15 Kms., as the difference in distance between these two places is only around 15 to 20 Kms., still, Ponneri will be convenient, while considering the safety of the petitioner, since Chennai is witnessing a spike in the registration of Corona virus cases now. Therefore, it is better for the petitioner, instead of coming to Chennai and getting exposed to the virus, to safely go to Ponneri where the registration of cases to the virus is quite minimal. Thirdly, the submission made by the learned counsel appearing for the petitioner that competent counsellors are available only at Chennai, cannot be also espoused. The reason being that even in Ponneri, Tiruvallur District, sufficient and competent counsellors/trained mediators are very much available. Hence, the transfer civil miscellaneous petition fails and it is dismissed. Consequently, C.M.P.No.7934 of 2020 is also dismissed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

ss

To

1. The Subordinate Judge
Ponneri

2.The Judge
Family Court
Chennai

Tr.C.M.P.No.418 of 2020

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