

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.229 of 2020

M.Vijayalakshmi

.. Petitioner

Versus

N.Venkatraman

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.4630 of 2019 pending on the file of learned Principal Family Court, Chennai, and to transfer the same to the file of learned Sub-Court, Tindivanam.

For Petitioner : Mr.P.Murali

For Respondent : Mr.G.Saravanakumar

O R D E R

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

2. Mrs.M.Vijayalakshmi/petitioner herein, wife of Mr.N.Venkatraman/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.4630 of 2019 from the file of learned Principal Family Court, Chennai, to the file of learned Sub-Court, Tindivanam. The above said HMOP was filed by the respondent/husband seeking for divorce.

3. It is submitted by the learned counsel for the petitioner/wife that when the wife was serving as a Nurse in Apollo Hospital, Chennai, the respondent/husband was serving as Computer Service Engineer and they got married on 08.04.2015 at Thiruvotreswarar Temple, Triplicane, Chennai, 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 female child on 30.11.2017. It is alleged that the respondent/husband used to come late night with drunken condition, as a result, the petitioner/wife, in order to save the child, left the matrimonial home. Whiles, all of a sudden, the respondent/husband filed H.M.O.P.No.4630 of 2019 on the file of learned Principal Family Court, Chennai, seeking for divorce. It is further submitted that she is presently living along with her child and aged parents at

Vidur, Tindivanam Taluk and therefore, it is not possible for her to undertake long journey from Tindivanam to Chennai, which is more than 150 kms., to attend each and every hearing, that too, at this difficult time, due to COVID-19 pandemic.

4. During the last hearing, husband and wife appeared before me through Video Conferencing and the wife has stated that she is ready for reunion and therefore, this Court directed the wife to file an affidavit. Accordingly, she filed an affidavit dated 21.08.2020 assuring that in future, she would not give any room for complaints and she would live as dutiful wife to her husband. However, the respondent/husband has not shown any interest to accept her request for reunion.

5. When the matter was taken up on 21.08.2020, learned counsel for the respondent/husband sought time to prevail upon the respondent/husband for reunion, but, for the reasons best known to him, he is not ready for reunion. Today, although learned counsel for the husband submitted that there is a life threat if the case is transferred to the file of learned Sub-Court, Tindivanam, he has not produced any piece of evidence to show that he preferred any complaint before any authority for the same and therefore, the same cannot be espoused by this Court.

6. Thus, considering the fact that the petitioner/wife is living along with her 3 years old female child and aged her parents at Vidur, Tindivanam Taluk, I am of the view that it is not possible for her to undertake long journey from Tindivanam to Chennai, which is more than 150 kms., to attend each and every hearing, that too, at this difficult time to COVID-19 pandemic. Therefore, accepting the balance of convenience in favour of the wife, H.M.O.P.No.4630 of 2019 filed by the husband is withdrawn from the file of learned Principal Family Court, Chennai, consequently, transferred to the file of learned Sub-Court, Tindivanam. On such transfer, learned Sub-Court, Tindivanam, 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.6945 of 2020 is closed.

Sd/-

Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

rkm

To

1.The Subordinate Judge, Tindivanam.

2. The Principal Family Court, Chennai.

Tr.C.M.P.No.229 of 2020

SR (CO)
GMY (28/10/2020)



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