

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.416 of 2020

Meena Thiyagarajan
W/o M.K.Arvind Bose

..Petitioner

-vs-

M.K.Arvind Bose

..Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the F.C.O.P.No.192 of 2018 from the file of the Family Court at Erode and transfer the same to the Subordinate Judge's Court at Mettur.

For Petitioner :: Mr.P.Valliappan

For Respondent :: Mr.G.R.Deepak

ORDER

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

2. The petitioner, Mrs.Meena Thiyagarajan, Wife of Mr.M.K.Arvind Bose, the respondent herein has come to this Court seeking an order for withdrawal and transfer of the F.C.O.P.No.192 of 2018 from the file of the Family Court, Erode to the file of the Sub Court, Mettur, as both the petitioner and the respondent are working in the TANGEDCO as Assistant Engineer (Mechanical) and Assistant Engineer (Civil) respectively.

3. Mr.P.Valliappan, learned counsel appearing for the petitioner submitted that after the solemnization of marriage between the parties on 6.9.92 at Kandasamy Ramayammal Kalyana Mandapam, Erode, as per the Hindu rites and customs, they were blessed with a female child A.Nivetha, who has now completed her M.B.B.S., course in the Government College, Salem and is presently serving as House Surgeon there. However, due to misunderstanding, the respondent used to assault the petitioner physically. Ever since their marriage, the respondent used to blame the petitioner whenever anything goes wrong, therefore, the petitioner is unable to lead a peaceful family life. Sometimes he used to verbally abuse leading to the physical assault, as a result, the petitioner has been suffering from neurological problem. Therefore, the petitioner has chosen to

file the F.C.O.P.No.192 of 2018 before the Family Court, Erode under Section 13(1)(ia) of the Hindu Marriage Act seeking divorce. Subsequently, when both the petitioner and the respondent were selected for the post of Assistant Engineer (Mechanical) and Assistant Engineer (Civil) respectively in the TANGEDCO and have been posted in Mettur Dam and the petitioner is also suffering from neurological problem and is unable to undertake a long journey to Erode, he pleaded that it will be convenient for both parties if the F.C.O.P.No.192 of 2018 is withdrawn from the Family Court, Erode and transferred to the Sub Court, Mettur, as both the parties are living and working in Mettur Dam.

4. Mr.G.R.Deepak, learned counsel appearing for the respondent has stated that the respondent is not keeping well and presently taking treatment for his heart problem.

5. Having heard learned counsel for the parties, since the respondent is also not keeping well, it will be proper and better for both parties to contest the case before the Sub Court, Mettur, instead of before the Family Court, Erode, as both the petitioner and the respondent are living and serving in the TANGEDCO at Mettur Dam. Therefore, the transfer civil miscellaneous petition stands allowed and the F.C.O.P.No.192 of 2018 is withdrawn from the file of the Family Court, Erode and transferred to the file of Sub Court, Mettur for disposal on merits. Consequently, C.M.P.No.7905 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Family Court
Erode

2. The Subordinate Court
Mettur

+1cc to Mr.P.Valliappan, Advocate, S.R.No.34650

Tr.C.M.P.No.416 of 2020

KK(CO)
RV(11/11/2020)