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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

TR.C.M.P.NO.434 OF 2020

S.Nandini

.. Petitioner

-vs-

V.Venkatesan

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw and transfer the H.M.O.P.No.745 of 2019 pending on the file of Sub Court, Poonamallee and transfer to Subordinate Court or Family Court at Dharmapuri.

For Petitioner :: Mr.V.R.Annagandhi

For Respondent :: No appearance

ORDER

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

2. The petitioner, Mrs.S.Nandini, W/o Venkatesan, the respondent herein has come to this Court seeking an order for withdrawal of the H.M.O.P.No.745 of 2019 from the file of the Sub Court, Poonamallee and transfer the same to the file of the Sub Court or to the Family Court at Dharmapuri.

3. Learned counsel appearing for the petitioner submitted that after the solemnization of marriage between the parties on 16.7.2012 at No.53, P.V.Koil Street, Royapuram, Chennai as per the Hindu rites and customs, out of the said wedlock, a female child by name V.M.Shamiksha was also born on 28.9.2013 and the couple were living happily in the matrimonial home at Kattupakkam, Chennai. Subsequently, the respondent and his parents started demanding dowry from the petitioner. The petitioner and her child were not even provided with sufficient food and other basic things. Now the petitioner is residing in her parental home along with the female child and the respondent is not coming forward to take care of anyone of them. In the



meanwhile, the respondent has filed the H.M.O.P.No.745 of 2019 before the Sub Court, Poonamallee seeking divorce under Section 13(1)(ia) of the Hindu Marriage Act citing the ground of cruelty. As the distance between the place of residence of the petitioner at Gandhi Nagar, Dharmapuri and the Sub Court, Poonamallee is about 300 Kms., on one side, namely, 600 Kms., on both sides, it will be highly difficult for the petitioner to undertake a long journey with the girl child. Therefore, she has been advised to come to this Court with the present transfer civil miscellaneous petition.

4. Although Court notice was served on the respondent, he has not chosen to appear before this Court. That shows the respondent has no objection for allowing the transfer plea. Secondly, the petitioner is having a girl child, who is aged about 7 years now. Therefore, it will be difficult for the petitioner to undertake a long journey from her place of residence at Dharmapuri to the Sub Court, Poonamallee, which is about 600 Kms., on both sides. Hence, considering the balance of convenience going in favour of the petitioner, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.745 of 2019 is withdrawn from the file of the Sub Court, Poonamallee and transferred to the file of the Family Court, Dharmapuri for disposal on merits expeditiously. However, taking into account the present Covid-19 pandemic situation, the learned Family Court Judge, Dharmapuri shall permit the respondent to avail the video conferencing facility, if asked for, so that not only the crowding in the Court as well as in the public place can be avoided, but also the social distancing can be maintained to prevent the further spread of the corona virus. Needless to mention that learned counsel for the parties shall also file the list of witnesses to be examined, both in chief and cross, to enable the Court below to dispose of the matter on merits expeditiously. Consequently, C.M.P.No.9288 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge
Poonamallee



2. The Judge,
Family Court,
Dharmapuri.

+1cc to Mr.V.R.Annagandhi, Advocate, S.R.No.33062

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GMR(CO)
CS/05/11/2020