

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.10.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.438 of 2020 and
C.M.P. No.9372 of 2020

K.Vinothini

... Petitioner

-vs-

V.Karthikeyan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the matrimonial petition bearing H.M.O.P. No.455 of 2019 pending on the file of the Principal Subordinate Court at Cuddalore and transfer the same to be heard, tried and adjudicated before the Family Court at Vellore.

For Petitioner : Mr.B.Christ Das

For Respondent : Ms.K.Jenitha

O R D E R

The Transfer C.M.P. has been filed by the petitioner to withdraw and transfer the H.M.O.P. No.455 of 2019 pending on the file of the Principal Subordinate Court at Cuddalore to the file of the Family Court, Vellore.

2.Learned counsel appearing for the petitioner would submit that after the marriage solemnised on 12.02.2014 as per the Hindu rights and customs, the petitioner and the respondent were blessed with a female child on 26.11.2014. Learned counsel appearing for the petitioner would further submit that due to some matrimonial disputes arose between themselves, the petitioner came to her parental home at Vellore. Thereafter, the respondent filed a petition in H.M.O.P. No.104 of 2018 before the Principal Subordinate Court at Cuddalore seeking divorce on the ground of cruelty under Section 13(1)(ia) of Hindu Marriages Act 1955. As the petitioner was facing great difficulty in travelling 150 kms. for each and every hearing from Vellore to

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Cuddalore along with the child, a Transfer Petition in Tr.C.M.P. No.763 of 2018 has been filed before this Court. After considering the submissions on either side, this Court by order dated 01.02.2019, has transferred the H.M.O.P. No.104 of 2018 from the file of the Subordinate Court, Cuddalore to the file of the Family Court, Vellore. During the course of the proceedings, a mutual compromise has been made between the petitioner and the respondent, which resulted in their resuming cohabitation together. Despite the same, the respondent started indulging in the same acts of torture and harassments and therefore, the petitioner was forced to move over to her parents home at Vellore. Thereafter, the respondent moved a petition in H.M.O.P. No.455 of 2019 before the Principal Subordinate Court at Cuddalore seeking divorce with false and baseless allegations against the petitioner. Learned counsel for the petitioner pleaded that since the petitioner has been facing great financial stress towards travel and other expenses apart from the distance involved along with her school going child, who is aged only 5 years, H.M.O.P. No.455 of 2019 pending on the file of the Principal Subordinate Court at Cuddalore be transferred to the file of the Family Court, Vellore.

3.Learned counsel appearing for the respondent would submit that in spite of compromise, the petitioner started creating more trouble and as a result, left with no other option, the respondent has filed the above H.M.O.P. No.455 of 2019 before the Principal Subordinate Court at Cuddalore seeking divorce under Section 13(1)(ia) of the Hindu Marriages Act 1955 on the ground of cruelty for the sole reason that there was a life threat faced by the respondent from the petitioner's side. Moreover, the respondent is not only facing threat and he has also been facing assault from the petitioner and her family members.

4.Considering the fact that Covid-19 pandemic situation prevailing all over the country and in order to avoid exposure from the corona virus and also considering the fact that the respondent has been complaining life threat from the petitioner's side, this Court is inclined to transfer the H.M.O.P. No.455 of 2019 pending on the file of the Principal Subordinate Court, Cuddalore to the file of the Family Court, Vellore, by providing the benefit of arguing the case through Video Conferencing to the respondent. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.455 of 2019 pending on the file of the Principal Subordinate Court, Cuddalore is withdrawn and transferred to the file of the Family Court, Vellore..

5.The Family Court, Vellore is directed to take up the case and dispose of the same expeditiously in the manner known to law by providing the facility of Video Conferencing to the

respondent. Needless to mention that the personal appearance of the respondent is dispensed with. No costs. Consequently, C.M.P. No.9372 of 2020 is closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

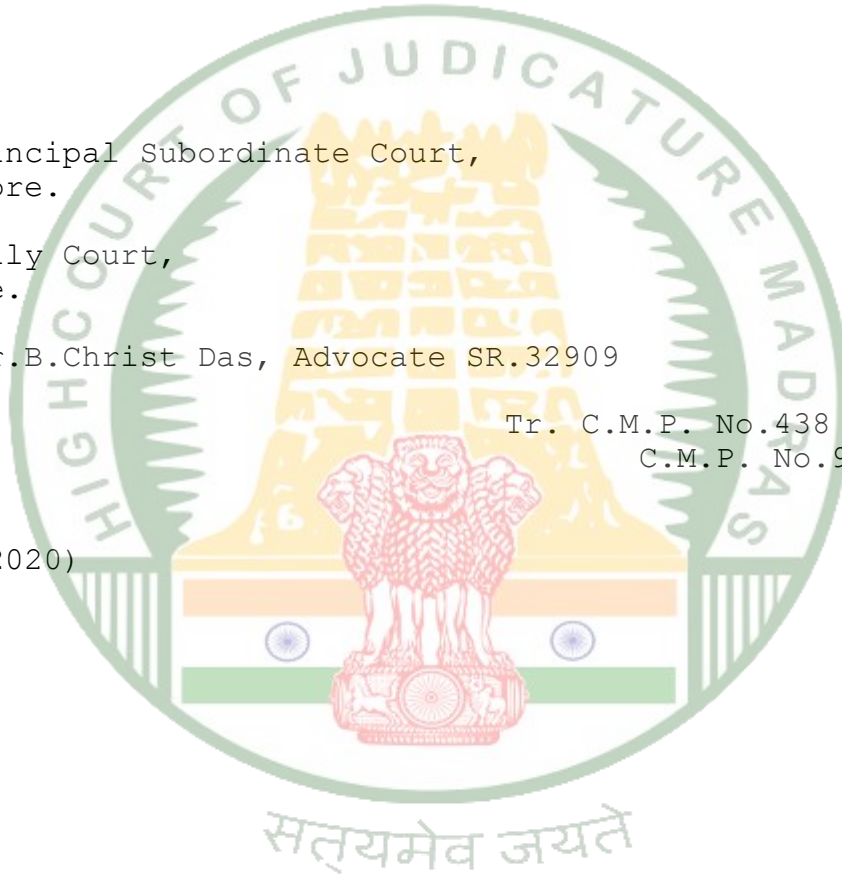
1.The Principal Subordinate Court,
Cuddalore.

2.The Family Court,
Vellore.

+1cc to Mr.B.Christ Das, Advocate SR.32909

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RLP (CO)
CB(05/11/2020)



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