

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.445 of 2020

Santhoshini @ Revathy

.. Petitioner

Versus

K.S.Narayanan

.. Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw the proceedings pending in H.M.O.P.No.218 of 2020 from the file of learned Family Court, Salem, and to transfer the same to the file of learned Family Court, Karur.

For Petitioner : Mr.K.Suresh

For Respondent : No Appearance

ORDER

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

2. Mrs.Santhoshini @ K.Revathy/petitioner herein, wife of Mr.K.S.Narayanan/respondent herein, has filed this Transfer Civil Miscellaneous Petition seeking to transfer H.M.O.P.No.218 of 2020 from the file of learned Family Court, Salem, to the file of learned Family Court, Karur. The above said HMOP was filed by the respondent/husband seeking for restitution of conjugal rights.

3. Learned counsel appearing for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 10.11.2019 at Karur and out of the said wedlock, they were blessed with a female child on 30.05.2020. It is further submitted that the respondent/husband is addicted to bad habits and he has no job and always demanded money from her for his wayward life. When she was pregnant, she was driven away from the matrimonial home and thereafter, he has not taken any step either to speak to her or to visit the child. Whiles, all of a sudden, the respondent/husband has filed H.M.O.P.No.218 of 2020 on the file of learned Family Court, Salem, seeking for restitution of conjugal rights. It is further submitted that as the petitioner/wife is residing at Karur along with her three months old infant and aged parents, it is not feasible for her to undertake a long journey from Karur to Salem, which is more than 100 kms., to attend each and every hearing, that too, at this difficult time due to COVID-19 pandemic. On this score, learned counsel prayed for transferring the case filed by the husband to the file of learned Family Court, Karur.

4. Although Court notice is served on the respondent/husband, no one represented the case on behalf of him, that shows that he has no objection in transferring the case to the file of learned Family Court, Karur. Secondly, the petitioner/wife is residing at Karur along with her 3 months old female child and therefore, it is difficult for the petitioner/wife to undertake such a long journey from Karur to Salem, which is more than 100 kms., to

attend each and every hearing, that too, at this difficult time due to COVID-19 pandemic. Thus, considering the balance of convenience in favour of wife, H.M.O.P.No.218 of 2020 filed by the husband is withdrawn from the file of learned Family Court, Salem, consequently, transferred to the file of learned Family Court, Karur. On such transfer, learned Family Court, Karur, 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.9666 of 2020 is closed.

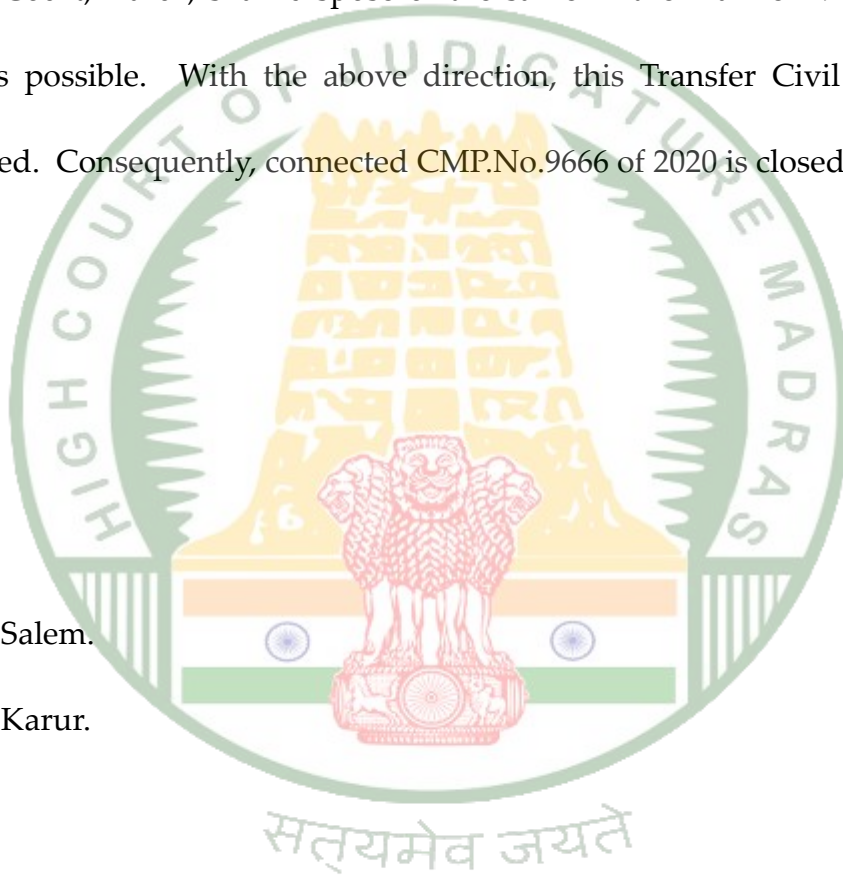
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To

1.Family Court, Salem.

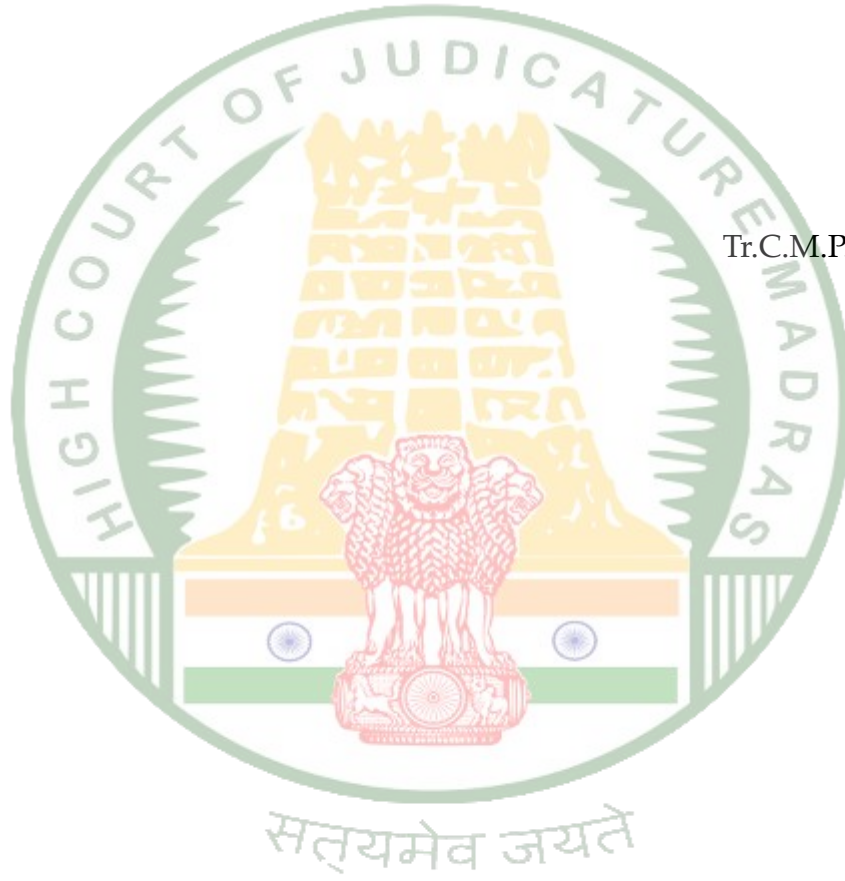
2.Family Court, Karur.



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T.RAJA, J.

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