

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.471 of 2020

M.Krithika

.. Petitioner

-vs-

K.Jegan

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.919 of 2018 pending on the file of Family Court at Madurai and transfer the same to the Family Court at Chennai.

For Petitioner :: Mr.A.Palaniappan
For Respondent :: Mr.K.Manikandan

ORDER

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

2. This transfer civil miscellaneous petition has been filed by Mrs.M.Krithika, Wife of Mr.K.Jegan, the respondent herein seeking an order for withdrawal of the H.M.O.P.No.919 of 2018 from the file of the Family Court at Madurai and transfer the same to the file of the Family Court at Chennai, on the ground that the petitioner has been living with her small child, aged about 6 years, who is suffering from meningitis followed by hydrocephalus illness, which has resulted in total delayed development of all his performances physically and mentally. Therefore, when the petitioner is put to immense shock and agony in view of her child's illness and continuous treatment, she may not be able to undertake a long journey from Chennai to Madurai. Moreover, the learned counsel appearing for the petitioner submitted that as per Section 19 of the Hindu Marriage Act, only the place of marriage gives cause of action. In the present case, when the marriage had taken place in Chennai on 22.5.2013 and the reception alone was held at Madurai on 25.5.2013, the Family Court, Madurai does not have the jurisdiction. Therefore, the petitioner has been advised to file this transfer civil miscellaneous petition.

3. Mr.K.Manikandan, learned counsel appearing for the respondent fairly stated that the respondent/husband has already filed the G.W.O.P.SR.No.263 of 2020 on the file of the Family Court, Chennai seeking custody of the child from the petitioner, therefore, the respondent has no objection for allowing the prayer of the petitioner.

4. Recording the statement made by the learned counsel appearing for the respondent, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.919 of 2018 is withdrawn from the file of the Family Court, Madurai and transferred to the file of the Principal Family Court, Chennai, to be tried along with G.W.O.P.SR.No.263 of 2020 filed by the respondent seeking custody of the child, on merits and in accordance with law. Consequently, C.M.P.No.11481 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss
To

1. The Judge, Family Court
Madurai

2. The Principal Judge, Family Court
Chennai

+1 cc to Mr.K.Manikandan, Advocate Sr.No. 36639

+1 cc to Mr.A.Palaniappan, Advocate Sr.No. 36645

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PVS (CO)

RMP (11/12/2020)

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