

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.10.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.456 of 2020 and
C.M.P. No.10443 of 2020

M.Alagu @ Azhagammal

...Petitioner/Respondent

-vs-

K.Mookaiah

...Respondent/Petitioner

Prayer: Petition filed under Section 24 of C.P.C to withdraw the case in O.P. No.1187 of 2020 from the file of the I Additional Judge, Family Court at Chennai and transfer the same to the file of Family Court at Sivagangai.

For Petitioner : Mr.N.Kuppusamy

For Respondent : Mr.V.Subramani

O R D E R

The Transfer C.M.P. has been filed by the petitioner to withdraw and transfer the O.P. No.1187 of 2020 pending on the file of the learned I Additional Judge, Family Court, Chennai to the file of the Family Court, Sivagangai.

2.Learned counsel appearing for the petitioner would submit that after the marriage conducted under the Government free scheme of marriage on 02.07.2006 at Arulmigu Sri Moulieswarar Thirukovil, Anna Nagar, Chennai in the presence of friends and relatives, the petitioner and the respondent were started living together as husband and wife in the respondent's house at Chennai. Learned counsel appearing for the petitioner would further submit that the petitioner is a handicapped affected with Post Polio Residual Paralysis on both lower limb and out of the wed lock, they were blessed with three children, namely, two female and one male. Learned counsel appearing for the petitioner further submitted that since serious allegations have been made by the respondent against the petitioner that she has been talking through cell phone with her classmate and she also developed illicit relationship with him, the petitioner requested the respondent to avoid un-necessary allegations. Thereafter, the respondent filed a petition in O.P. No.1187 of 2020 for dissolving the marriage between the petitioner and the

respondent before the learned I Additional Judge, Family Court, Chennai on the ground of cruelty and adultery. As the distance between Sivaganga and Chennai is more than 500 kms., it will be highly difficult for the petitioner being a handicapped to undertake long journey. Therefore, this petition is filed for transferring the O.P. No.1187 of 2020 pending on the file of the learned I Additional Judge, Family Court, Chennai to the file of the Family Court, Sivagangai.

3.Learned counsel appearing for the respondent would submit that there has been a serious allegation against the petitioner regarding her character. Since the respondent has suffered fracture in his left leg, after the accident took place in the year 2008, it is difficult for him to undertake long journey and therefore, he may be provided the facility of Video Conferencing.

4.At this stage, learned counsel appearing for the petitioner would submit that the petitioner is residing in a remote area at Sivaganga, in which, she is not able to avail the benefit of video conferencing since there is no network facility in the said area.

5.In view of the peculiar nature of the problems faced by both parties, this Court is inclined to transfer the O.P. No.1187 of 2020 from the file of the learned I Additional Judge, Family Court, Chennai to the file of the Family Court, Sivagangai, by providing the benefit of arguing and conducting the case through Video Conferencing to the respondent. Accordingly, the Tr. C.M.P. is allowed and the O.P. No.1187 of 2020 pending on the file of the learned I Additional Judge, Family Court, Chennai is withdrawn and transferred to the file of the Family Court, Sivagangai.

6.Needless to mention that learned counsel for the respondent shall file the list of witnesses to be examined, both in chief and cross, to enable the Court below to dispose of the matter expeditiously, on merits.

7.The Family Court, Sivagangai 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.

8.It is made clear that the personal appearance of the respondent is dispensed with. No costs. Consequently, C.M.P. No.10443 of 2020 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The I Additional Judge,
Family Court, Chennai.
2. The Family Court,
Sivagangai.

+1cc to M/s.V.Subramani, Advocate, S.R.No.34419

Tr. C.M.P. No.456 of 2020 and
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BS(CO)
RV(24/11/2020)