

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.668 of 2019

S.Geetha

.. Petitioner/Respondent

-vs-

A.Y.Thiruvachagam

.. Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.108 of 2019 on the file of the Sub Court, Ranipet, Vellore District and transfer the same to the Family Court, Tiruvallur.

For Petitioner :: Ms.M.Ezhilarasi for M/s.E.Velu

For Respondent :: Mr.E.C.Ramesh

ORDER

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

2. The petitioner-Mrs.S.Geetha, Wife of Mr.A.Y.Thiruvachagam, the respondent herein has come to this Court seeking withdrawal of the H.M.O.P.No.108 of 2019 from the file of the Sub Court, Ranipet, Vellore District and transfer the same to the Family Court, Tiruvallur.

3. Both the petitioner and the respondent got married on 4.3.2004 at DRK Thirumana Maaligai, Arcot,Vellore District and out of the said wedlock, a male child was also born on 4.10.2014. It is also stated that both the petitioner and the respondent are disabled persons right from their childhood and that the petitioner had studied 8th Grade, whereas the respondent is a Cost Accountant. But after the child's birth, their behaviour completely changed, as a result they are living separately. Finally, the respondent has also filed H.M.O.P.No.108 of 2019 before the Sub Court, Ranipet seeking dissolution of marriage on the ground of desertion and cruelty. Since the respondent has undergone an operation to rectify his disability, the petitioner with her small child is not in a position to undertake a long journey. After considering the

disability suffered by both parties, this Court also referred the matter to the mediation centre and also called the parties for personal hearing before the Court to compromise the matter. When the petitioner is ready and willing for re-union, only the respondent is unwilling. Therefore, the matter needs to be agitated.

4. Learned counsel appearing for the respondent stated that the petitioner can hire out a taxi from the place where she is residing to reach the Court at Ranipet whenever required and that the respondent is also prepared to meet out the travel expenditure of the petitioner.

5. I also find that when the petitioner and the respondent are facing disability, considering the safety of the minor child, aged 5 years, who is under the care of the petitioner/mother, it will be difficult for the child and the mother to undertake a long journey. Since the respondent is also prepared to meet out the travel expenditure, it is for him to hire a taxi for his appearance before the Family Court, Tiruvallur and sort out the issue. Therefore, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.108 of 2019 is withdrawn from the file of the Sub Court, Ranipet, Vellore District and transferred to the file of the Family Court, Tiruvallur for an expeditious disposal on merits. Consequently, C.M.P.No.19201 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge
Ranipet, Vellore District
2. The Family Court Judge
Tiruvallur

Tr.C.M.P.No.668 of 2019

NR(CO)
GS(16/09/2020)