

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2020

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THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.708 of 2019

U.Lavanya

..Petitioner/Respondent/Wife

-vs-

M.Kumaran

..Respondent/Petitioner/
Husband

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P.No.79 of 2019 from the file of the learned Principal Subordinate Judge, Uthangarai and transfer the same to the Family Court at Chennai.

For Petitioner :: Mr.C.P.Sivamohan

For Respondent :: No appearance

ORDER

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

2. This transfer civil miscellaneous petition has been filed by the petitioner-Wife seeking a prayer to withdraw the H.M.O.P.No.79 of 2019 from the file of the learned Principal Subordinate Judge, Uthangarai and to transfer the same to the Family Court at Chennai.

3. Learned counsel appearing for the petitioner submitted that after the petitioner married the respondent on 4.9.2017, a girl child was born to them on 2.6.2019 and now she is 13 months old and is under the care and custody of the petitioner. He also submitted that the petitioner is also employed in a private organization viz., Cognizant Technologies at DLF Complex, Porur as a Senior Associate since May, 2017. However, the statement made by the respondent-Husband, who is also working in Bangalore, that he has filed the case in H.M.O.P.No.79 of 2019 on the file of the learned Principal Subordinate Judge, Uthangarai for restitution of conjugal rights on various false and untenable allegations, lacks merit. Since the petitioner has been working at Chennai and also taking care of the infant, it

will be difficult for her to attend the Court hearings at Uthangarai regularly, as it would take a minimum of 5 ½ hours to travel a distance of 250 Kms., from Chennai to Uthangarai. It was also represented that though the petitioner and the respondent had appeared before the Mediation Centre as directed by this Court on 9.12.2019 at 3.00 P.M., the same did not fructify. When the efforts taken before the mediation also ended in failure, he pleaded that the transfer civil miscellaneous petition may be allowed as prayed for.

4. None appeared for the respondent.

5. Although this Court gave sufficient opportunity to both the petitioner and the respondent to resolve their issues before the Mediation Centre by its order dated 1.11.2019, no useful steps have been taken by them. Hence, taking note of the fact that the petitioner is employed in a private organization, namely, Cognizant Technologies at DLF Complex, Porur as a Senior Associate since May, 2017 and is also taking care of the infant child aged 13 months, it will be difficult for the petitioner to undertake a long journey from Chennai to Uthangarai for every hearing. Therefore, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.79 of 2019 is withdrawn from the file of the learned Principal Subordinate Judge, Uthangarai and transferred to the file of the Principal Family Court at Chennai for disposal on merits. Consequently, C.M.P.No.20053 of 2019 is closed.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Subordinate Judge
Uthangarai

2. The Principal Family Court Judge
Chennai.

Tr.C.M.P.No.708 of 2019

PVS (CO)

RMP (30/09/2020)