

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.757 of 2019

C.Nishanthini

..

Petitioner

-vs-

I.Prasanna Kumar

..

Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.2616 of 2019 pending on the file of the learned II Additional Family Court Judge at Chennai and transfer the same to the learned Subordinate Judge's Court at Thanjavur and to try the case in accordance with law.

For Petitioner :: Ms.Thanga Vadhana Balakrishnan

For Respondent :: Ms.S.Muktha

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.C.Nishanthini, Wife of Mr.I.Prasanna Kumar, the respondent herein seeking an order to withdraw and transfer the H.M.O.P.No.2616 of 2019 pending on the file of the II Additional Family Court, Chennai to the file of the Sub Court, Thanjavur to be tried in accordance with law.

3. Learned counsel appearing for the petitioner pleaded that after the solemnization of marriage between the parties on 29.5.2015 at Hotel Radha Regent, Arumbakkam, Chennai with the blessings of parents and well wishers of both the families, as per the Hindu rites and customs, they were living together. Since the respondent has been residing in Chennai, the petitioner, who is working in Tata Consultancy Services, one of the reputed IT companies in Chennai, has been deputed to Netherlands by her employer. In view of the sudden transfer/deputation of the petitioner, the respondent has filed

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the H.M.O.P.No.2616 of 2019 seeking dissolution of marriage, on the ground that the petitioner has deserted the matrimonial home and left for better employment to Netherlands. When it is difficult for the petitioner to undertake a long journey from Netherlands to Chennai frequently, she has been advised to come to this Court seeking for transfer of the H.M.O.P.No.2616 of 2019 from the file of the II Additional Family Court, Chennai to the file of the Sub Court at Thanjavur.

4. When an argument has been placed before me by the learned counsel appearing for the petitioner that as the petitioner, who is presently deputed to Netherlands by her employer M/s Tata Consultancy Services, may not be able to undertake frequent visits to Chennai to participate in the day-to-day hearings, equally, it may not be possible for the petitioner to appear before the Sub Court, Thanjavur also, if the case is transferred there. Therefore, the argument advanced by the learned counsel appearing for the petitioner is highly unacceptable and unjustifiable. However, taking into account that the petitioner is now working in Netherlands on deputation by her employer-M/s Tata Consultancy Services, this Court, while dismissing this transfer civil miscellaneous petition, as no ground has been made out for transfer, hereby directs the learned II Additional Family Court Judge, Chennai to consider the request of the petitioner for participating through video conferencing, if any application is made for that purpose. Consequently, C.M.P.No.21170 of 2019 is also dismissed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The II Additional Family Court Judge
Chennai.

2.The Subordinate Judge Court,
Thanjavur.

+1cc to M/s.E.Malarkodi, Advocate SR.34210

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