

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.844 of 2019

K.Anitha

...Petitioner

vs.

S.Karumalaidurai

...Respondent

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.83 of 2019 from the file of the Sub Court, Paramakudi and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.Hasan Fizal
for M/s.S.K. Kannadasan

For Respondent : M/s.Devadasan C.Jayalakshmi

O R D E R

Petitioner/wife has come up with this Petition seeking transfer of H.M.O.P.No.83 of 2019 from the file of the Sub Court, Paramakudi to the file of the Family Court, Chennai, on the ground that, when she is unemployed and is dependent on the income of her age-old father, she cannot travel all the way from Chennai to attend the Court proceedings in Paramakudi, along with her two year old child.

2. Learned counsel appearing for the Respondent/husband submitted that, the Respondent appeared before the Court below in the last week of December 2019 and, he is not in a position to avail further leave and appear before the Court below, as he is working as a skilled worker in a Lift Management Service in Singapore and that, he is represented by a Power of Attorney.

3. Learned counsel appearing for the Respondent went on to state that the marriage between the parties took place on 23.06.2016 at Paramakudi and a female child is born through the wedlock. He submitted that, the matter may be tried in the Sub Court at Paramakudi itself, as the parties are represented by Lawyers.

4. In reply, learned counsel for the Petitioner submitted that the Petitioner has no objection for the Respondent/husband being represented by a Lawyer before the Family Court at Chennai.

5. Taking note of the factual aspects, as the Respondent/husband is employed in Singapore and represented by a Power of Attorney, he can very well be represented by a Lawyer before the Family Court at Chennai, except on the dates when he is required to appear for tendering evidence. Furthermore, if the proceedings in H.M.O.P.No.83 of 2019 are transferred to the file of the Family Court at Chennai, it will be easy for the Respondent/husband to take a direct flight from Singapore to Chennai, rather using another mode of transport from Chennai to Paramakudi, to appear before the Court below to tender evidence.

6. Hence, this Court feels it appropriate to transfer the proceedings in H.M.O.P.No.83 of 2019 to the Family Court at Chennai, and it is accordingly transferred from the file of the Sub Court, Paramakudi to the file of the IV Additional Family Court at Chennai. The IV Additional Family Court at Chennai is expected to conclude the trial, as expeditiously as possible, without adjourning the matter beyond 30 working days at any point of time, to bring the issue to a logical end.

7. The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. Consequently, connected C.M.P.No.23303 of 2019 is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

(aeb)

To :

1. The Sub Court, Paramakudi.
2. The Family Court, Chennai.

+1 CC to Mr.S.K. Kannadasan, Advocate sr 4568.

+1 CC to Mr. Devadasan, Advocate sr 4488.

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Tr.C.M.P.No.844 of 2019

RP(CO)

SP(04/03/2020)