

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.784 of 2019 and
CMP.No.21899 of 2019

P.S.Parvathy

..Petitioner

-vs-

P.S.Srinivasan

..Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.2518 of 2019 on the file of the IV Additional Family Court at Chennai and transfer the same to the Family Court at Coimbatore.

For Petitioner :: Mr.N.Chinnaraj

For Respondent :: Mr.T.Sivagnanasambandan

ORDER

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

2. The petitioner, Mrs.P.S.Parvathy, Wife of Mr.P.S.Srinivasan, the respondent herein has filed this transfer civil miscellaneous petition seeking withdrawal of the H.M.O.P.No.2518 of 2019 pending on the file of the IV Additional Family Court, Chennai and transfer the same to the Family Court at Coimbatore.

3. Learned counsel appearing for the petitioner submitted that after the petitioner married the respondent on 12.06.2011 as per the Hindu rites and customs at Gowri Sankara Kalyana Mandapam, Vadakanthara, Palakkad Village, Kerala, they were living together, resultantly they were blessed with one son, who is now aged about 8 years. The petitioner is also working as Assistant Manager in Lakshmi Vilas Bank, Vadavalli branch, Coimbatore. Therefore, it is not practically viable for the petitioner to come to Chennai to attend the hearing in the H.M.O.P.No.2518 of 2019 filed by the respondent. Moreover, the

respondent has also filed H.M.O.P.No.1988 of 2018 and obtained an ex parte decree for restitution of conjugal rights. In spite of the above decree, he has not shown any interest to come and live with the petitioner. Hence, the pending H.M.O.P.No.2518 of 2019 on the file of the IV Additional Family Court, Chennai may be transferred to the Family Court at Coimbatore.

4. Opposing the above prayer, Mr.T.Sivagnanasambandan, learned counsel appearing for the respondent submitted that the petitioner is not working as Assistant Manager in Lakshmi Vilas Bank, Vadavalli branch at Coimbatore, but is working in Palakkad and when the petitioner has not come to this Court with clean hands, her prayer for transfer may be refused. Adding further, learned counsel appearing for the respondent submitted that when the respondent has obtained a decree in H.M.O.P.No.1988 of 2018 on the file of VII Additional Family Court, Chennai for restitution of conjugal rights, the petitioner has to come and live with the respondent. Therefore, she cannot ask for transfer on the ground that her son is studying in St.Rafale's Cathedral School, Palakkad, Kerala, as the respondent also has to maintain and take care of his parents, who are also aged persons.

5. Having heard learned counsel for the parties, this Court, considering the fact that the petitioner is presently working as Assistant Manager in Lakshmi Vilas Bank, Vadavalli branch, Coimbatore and also maintaining the eight year old son, who is also studying in a school at Palakkad, Kerala, finding that a working woman cannot undertake a long journey to Chennai and since the petitioner is also ready to live with the respondent, is inclined to accept the prayer of the petitioner, as it is for the parties to take a final call. Accordingly, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.2518 of 2019 is withdrawn from the file of IV Additional Family Court, Chennai and transferred to the Family Court at Coimbatore for expeditious disposal on merits. Consequently, C.M.P.No.21899 of 2019 is closed.

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Sd/-
Assistant Registrar(AD I)MDU

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Sub Assistant Registrar

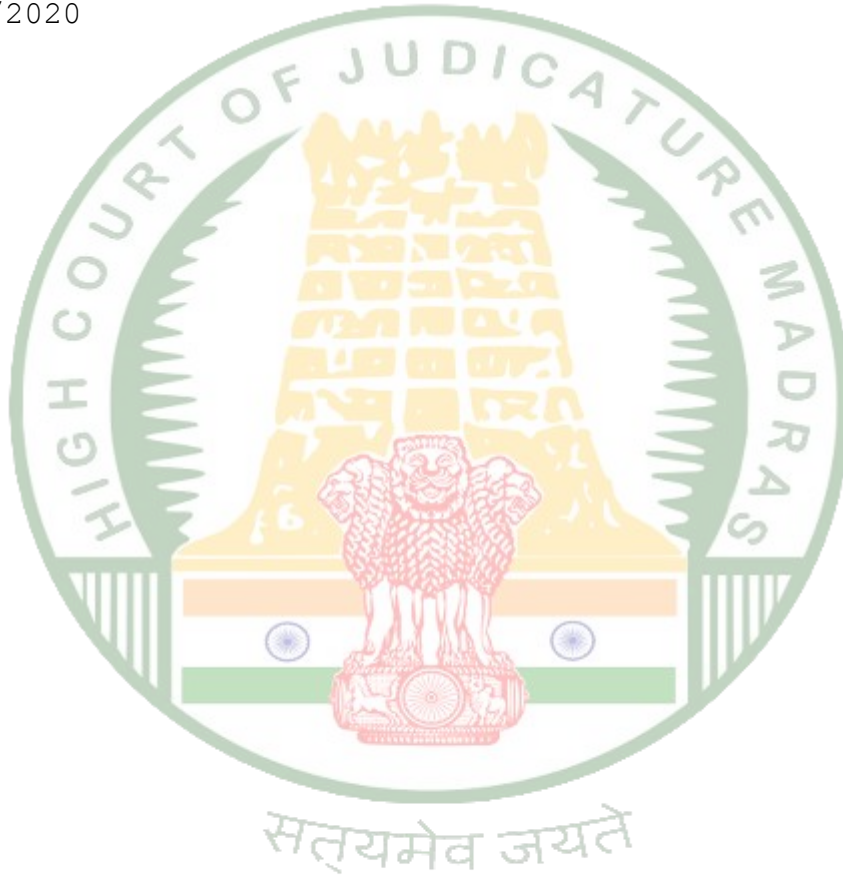
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To

1. The IV Additional Family Court Judge
Chennai
2. The Family Court Judge
Coimbatore

Tr.C.M.P.No.784 of 2019

VSN II (CO)
KKV/20/08/2020



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