

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.813 of 2019

S.Suganthi ...Petitioner
vs.
Subramanian ...Respondent

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw H.M.O.P.No.31 of 2019 pending on the file of the Sub Court, Panruti and transfer the same to the file of the Family Court, Puducherry.

For Petitioner : Mr.R.Thiagarajan
For Respondent : Mr.R.Bharath Kumar

O R D E R

Petitioner/wife has come up with this Petition seeking transfer of the Divorce proceedings filed by the Respondent/husband in H.M.O.P.No.31 of 2019 on the file of the Sub Court, Panruti to the file of the Family Court, Puducherry, on the ground that it is difficult for her to travel a long distance from Puducherry to attend the hearings of the case before the Sub Court, Panruti.

2. In the case on hand, the Petitioner/wife is presently residing with her mother-in-law in her matrimonial home at Puducherry and that, her husband, the Respondent herein, is none other than her relative. Marriage between the parties took place on 12.06.2000 and through the wedlock, two children were born, one daughter, now aged 15 years and one son, now aged 9 years. However, the Respondent/husband is not living with the Petitioner/wife, now.

3. Learned counsel appearing for the Respondent/husband drew the attention of this Court to paragraph 3 of the counter filed by the Respondent, wherein, it is stated that the Petitioner is residing with the Respondent's mother and brother's family in Vadamangalam, Puducherry. According to him, Sub Court, Panruti is only 30 kms away from the present residence of the Petitioner, whereas, he is travelling 80 kms from his residence at Madurantagam Taluk to appear for the hearings in the Divorce proceedings in the Sub Court, Panruti.

4. In paragraph 4 of the counter, the Respondent has also stated that, the Petitioner's sister's husband viz. K.Sivaraman is a Court Staff in Puducherry and that, due to

enmity with him, the said Sivaraman had told his relatives that the Respondent's Divorce proceedings would be transferred to Puducherry and also that, several criminal cases will be foisted against the Respondent.

5. Learned counsel appearing for the Respondent/husband submitted that, the Respondent has no objection to transfer the Divorce proceedings to any Sub-Court at Cuddalore or Villupuram, which is only 20 kms away from the Petitioner's present place of residence.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. Admittedly, the Petitioner has married the Respondent, who is none other than her relative. If the allegations against the Petitioner herein are true, then she would certainly not be living now under the same roof with her mother-in-law. The Respondent's averment that, the Petitioner's sister's husband viz. K.Sivaraman is a Court staff in Puducherry and that, several criminal cases will be foisted against him, is not a valid ground to deny transfer of the Divorce proceedings to the Family Court at Puducherry. Furthermore, the Petitioner has not made any averment as to whether the said Sivaraman is her relative or not. In any event, the said K.Sivaraman, staff at Family Court, Puducherry, is expected to remain aloof, without causing any hindrance to the relatives of the Petitioner and the Respondent.

8. In view of the foregoing, more particularly, taking note of the fact that the Petitioner/wife is residing along with her children in her matrimonial home, and stated to be taking care of her mother-in-law, this Court finds justification for transfer of the Divorce Proceedings in H.M.O.P.No.31 of 2019 from the file of the Sub Court, Panruti to the file of the Family Court, Puducherry, and it is accordingly ordered to be transferred.

9. The Family Court, Puducherry, is expected to conclude the trial in H.M.O.P.No.31 of 2019, 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.

10. The Transfer Civil Miscellaneous Petition is ordered accordingly. No costs. Consequently, connected C.M.P.No.22663 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VI)

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Sub Assistant Registrar

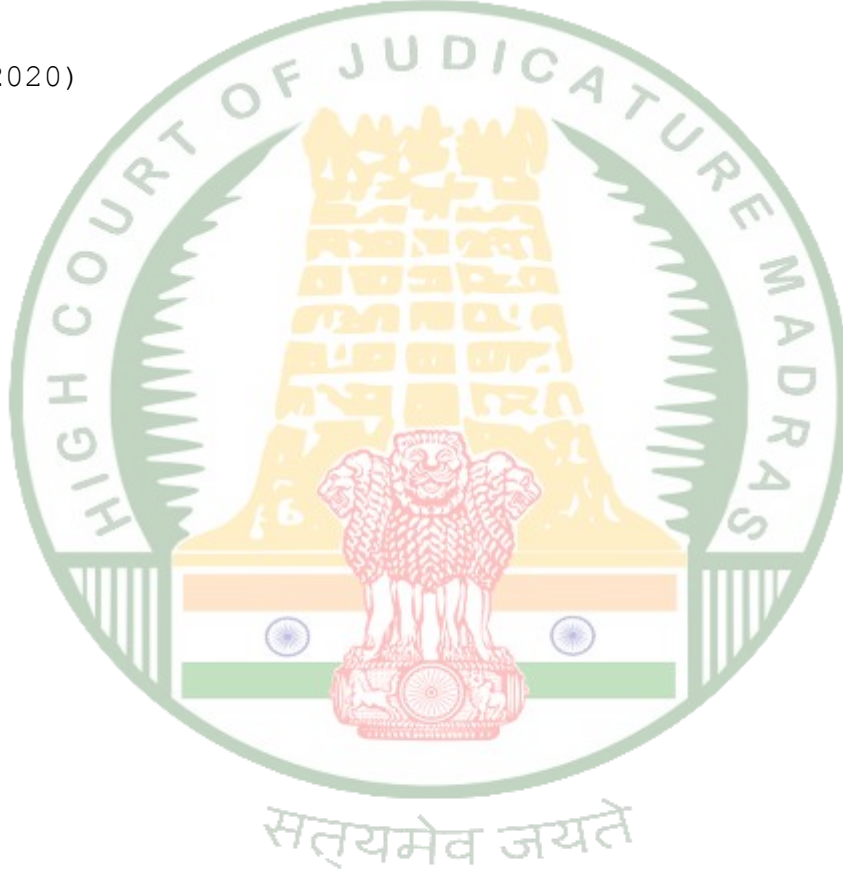
To :

1. The Sub Court,
Panruti.
2. The Family Court,
Puducherry.

+lcc to Mr.R.Bharath Kumar, Advocate, S.R.No. 10318

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SPD(CO)
GN(18/03/2020)



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