

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.888 of 2019

M.Sasipiriya

..Petitioner

Versus

M.Guru Prasad

..Respondent

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw F.C.O.P.No.245 of 2019, pending on the file of learned Family Court, Chengalpet, and to transfer the same to the file of learned Sub-Court, Sankagiri, Salem District.

For Petitioner : Mr.P.G.Thiyagu

For Respondent : Mr.M.Prabakaran

O R D E R

Heard the parties through Video Conferencing due to COVID-19 pandemic.

2. The petitioner/wife has filed this Transfer Civil Miscellaneous Petition seeking to transfer F.C.O.P.No.245 of 2019 from the file of learned Family Court, Chengalpet, to the file of learned Sub-Court, Sangakiri, Salem District. The above said FCOP was filed by the husband seeking for divorce.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 30.04.2018 at SSKR Thirumana Mahal, Velagoundanputhur, Omalur Village, Salem District, as per the Hindu Rites and Customs. However, after few months of marriage, the family members of the respondent/husband insisted the petitioner/wife to go for job to earn money. Whiles, the parents of the respondent sent the petitioner to her parental house for "Aadi" as per Hindu Custom. However, during the said period, neither the respondent nor his family members contacted

the petitioner/wife and finally, within four months of marriage, the respondent/husband filed F.C.O.P.No.245 of 2019 before the learned Family Court, Chengalpet, seeking for divorce. It is further submitted that since the petitioner, aged about 29 years, is residing at Salem District, it is difficult for her to undertake long journey from Salem to Chengalpet, which is more than 350 kms., to attend each and every hearing, therefore, she has prayed for transferring the case filed by her husband in F.C.O.P.No.245 of 2019 pending on the file of learned Family Court, Chengalpet, to the file of learned Sub-Court, Sankagiri, Salem District.

4. Learned counsel for the respondent/husband submitted that when the matter was referred to before the Mediation Centre, unfortunately, it was not materialized for the reasons best known to the petitioner/wife, therefore, the matter need not be transferred as sought for by the petitioner/wife.

5. This Court is unable find any justification on the submission made by the respondent/husband. Considering the fact that the petitioner/wife is residing at Salem, which is more 350 kms. from Chengalpet, and that she is also praying for a transfer of the case to the file of learned Sub-Court, Sankagiri, where the appearance of the parties can be dispensed with, the Transfer Civil Miscellaneous Petition is allowed. Consequently, F.C.O.P.No.245 of 2019 filed by the husband is withdrawn from the file of learned Family Court, Chengalpet, and transferred to the file of learned Sub-Court, Sankagiri, Salem District. On such transfer, learned Sub-Court, Sankagiri, Salem District, shall dispose of the same in the manner known to law as expeditiously as possible. Connected CMP.No.24352 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Judge, Family Court, Chengalpet.
2. The Subordinate Judge, Sankagiri, Salem.

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KKV/18/08/2020