

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.1037 of 2019

S.Komathi

.. Petitioner/ Respondents

Versus

S.Vadivelan

.. Respondent/ Petitioner

Prayer: Petition has been filed under Section 24 of the Civil Procedure Code praying to withdraw H.M.O.P.No.97 of 2019 pending on the file of learned Sub-Court, Arani, Thiruvannamalai District, and transfer the same to the file of learned Family Court, Vellore.

For Petitioner

: Mr.G.Nagarajan

For Respondent

: Mr.B.Jawahar

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 H.M.O.P.No.97 of 2019 from the file of learned Sub-Court, Arani, to the file of learned Family Court, Vellore. The above said HMOP was filed by the husband seeking to declare the marriage as null and void.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 15.09.2016 as per the Hindu Rites and Customs. However, within 90 days, they have parted with and the petitioner/wife is presently living with her mother, who is a widow, at Vellore. It is further stated that the petitioner/wife is also having 2 year old girl child with her

and therefore, it is difficult for her to undertake more than 40 kms. from Vellore to Arani to attend each and every hearing. On the other hand, the respondent/husband, who is working in TVS company at Chennai, instead of travelling to Arani, he can come to Vellore to attend the hearing. On this basis, learned counsel prayed for transferring the above said HMOP filed by the husband from the file of learned Sub-Court, Arani, to the file of learned Family Court, Vellore.

4. Learned counsel for the respondent/husband submitted that since the respondent is presently working in TVS company at Chennai, it is difficult for him to appear before the learned Family Court, Vellore, where the appearance of the parties is necessary in each and every hearing and therefore, the request of the petitioner/wife seeking to transfer the HMOP filed by the husband need not be considered.

5. This Court is unable to accept the above said request of the respondent/husband for the following reasons;

(i) firstly, the petitioner/wife is having 2 years old girl child with her and that she has also to take care her old mother, who is a widow;

(ii) secondly, respondent/husband is working in TVS Company at Chennai, therefore, instead of coming to Arani, he can come to Vellore to attend the hearing.

6. Therefore, for the reasons stated above, the Transfer Civil Miscellaneous Petition is allowed. Consequently, H.M.O.P.No.97 of 2019 filed by the husband is withdrawn from the file of learned Sub-Court, Arani, consequently, transferred to the file of learned Family Court, Vellore. On such transfer, learned Family Court, Vellore, shall dispose of the same in the manner known to law as expeditiously as possible. Connected C.M.P.No.27628 of 2019 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge, Sub-Court, Arani.
2. The Judge, Family Court, Vellore.

Tr.C.M.P.No.1037 of 2019

A.SK(10/09/2020)