

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.1014 of 2019
and
C.M.P. No.27015 of 2019

K.V.Sathyasagunthala ...Petitioner
vs.
K.Kannan ...Respondent

Tr.C.M.P. filed under Section 24 of C.P.C., to withdraw H.M.O.P. No.155/2019 on the file of the II Subordinate Judge, Tirupattur and transfer the same to the file of the Subordinate Court, Tiruvannamalai.

For Petitioner : Mr.P.Punithavathi

For Respondent : R.Prabakar

O R D E R

The instant transfer civil miscellaneous petition has been filed under Section 24 of the Civil Procedure Code, to withdraw H.M.O.P. No.155/2019 from the file of the II Subordinate Judge, Tirupattur and transfer the same to the file of the Subordinate Court, Tiruvannamalai.

2. When the matter is taken up for hearing, it is represented by both parties that, even though guardianship OP has been filed before the Principal District and Sessions Court, Dharmapuri, where the child is residing, as parties have agreed that the matrimonial case may be transferred from Sub Court, Tirupattur to Sub Court, Tiruvannamalai and that the District Court, alone has got jurisdiction to decide the guardianship OP, it is prayed that all the matters can be tried in the same complex, so that the parties need not be allowed to shuttle from one court to another.

3. Taking note of the submissions of both parties and in the light of Section 24 of the Civil Procedure Code, the proceedings in H.M.O.P. No.155/2019 pending on the file of II Subordinate Judge, Tirupattur is withdrawn and transferred to the file of Subordinate Court, Tiruvannamalai. The proceedings in G.O.P. No.57/2019 pending on the file of Principal District and Sessions Court, Dharmapuri is withdrawn and transferred to the file of Principal District and Sessions

Court, Tiruvannamalai. The learned Principal District and Sessions Judge, Tiruvannamalai and the learned Subordinate Judge, Tiruvannamalai are expected to conclude the trial, as expeditiously as possible, without adjourning the matter beyond 45 working days at any point of time, to bring the issue to a logical end.

4. It is represented that the petitioner is also likely to file a domestic violence case. This court is not inclined to opine anything on the submission and no court can prevent a party from approaching the court for redressal. It is further submitted that the petitioner herein/wife has agreed to withdraw the maintenance case filed by her before Sub Court, Harur. She has also filed an affidavit and in paragraph 4 she has stated thus:

"4. I submit that I will have my daughters custody. My husband can visit my daughters whenever he wants without affecting her schooling or health. My husband can send email to me when he wants to meet them. I will accompany my daughters if my husband wanted to take them to any outing. My husband can pay my daughters school fees directly to the school authorities. I have spent Rs.21,000/- for my second daughter's vaccination and medical expenses till now. My husband should bear my daughters medical expenses and I am willing to present my daughters medicinal bills to my husband. My husband can deposit my daughter's medical expenses to my Indian bank account. [Saving Account No.6222652768]."

5. The respondent is willing to bear the educational and other expenses of the daughters and that the petitioner herein/wife has no issues for the respondent to visit their daughters, as he has got love and affection on them. Taking note of the submissions, more particularly, in the light of paragraph No.4 of the affidavit, the respondent shall be permitted to visit the daughters, take them for outing and also take them to stay with him during holidays, without causing hindrance to their studies.

6. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, the connected C.M.P.No.27015 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

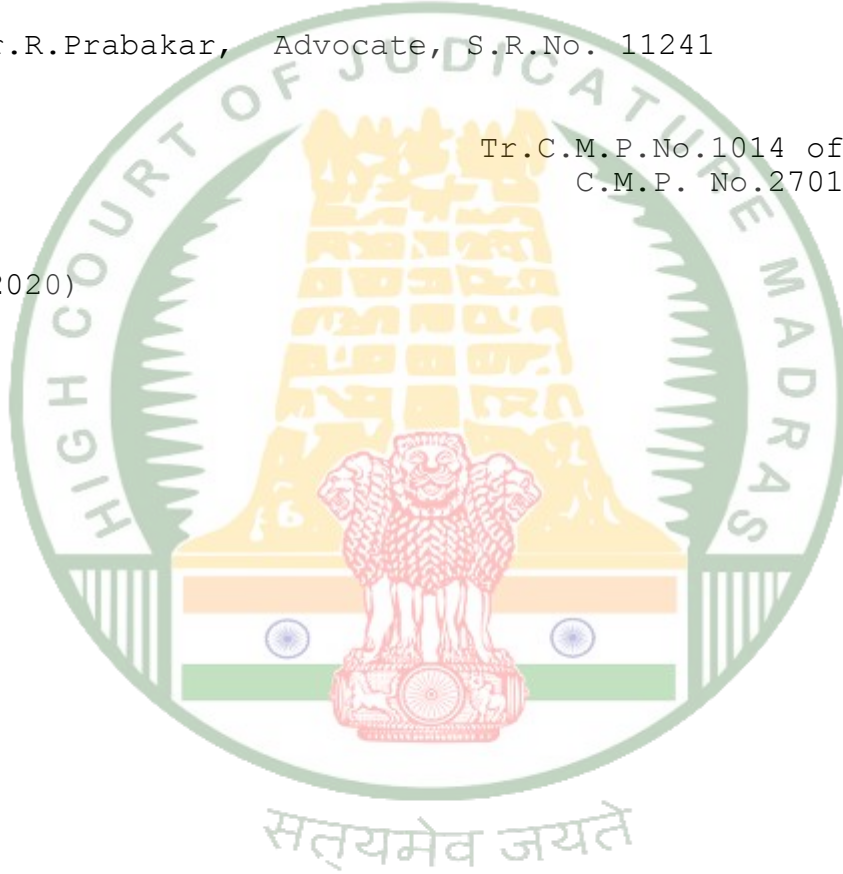
To :

1. The Principal District and Sessions Court,
Dharmapuri
2. The Principal District and Sessions Court,
Tiruvannamalai
3. The II Subordinate Judge, Tirupattthur.
4. The Subordinate Judge,
Tiruvannamalai.

+1cc to Mr.R.Prabakar, Advocate, S.R.No. 11241

Tr.C.M.P.No.1014 of 2019 and
C.M.P. No.27015 of 2019

KK(CO)
GN(17/03/2020)



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