

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Transfer C.M.P.No.1002 of 2019 and

C.M.P. No.26741 of 2019

T.Jeevamani

...Petitioner

vs.

P.Silambarasan

...Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw O.P. No.856 of 2019 pending before the Additional Family Court at Coimbatore and transfer it to Sub Court, Sankari, Salem District.

For Petitioner : Mr.K.V.Muthu Visakan
For Respondent : Mr.C.Thomas Noble

O R D E R

This Transfer Civil Miscellaneous Petition has been filed, to withdraw O.P. No.856 of 2019 pending on the file of Additional Family Court, Coimbatore, and transfer the same to Sub Court, Sankari, Salem District.

2. According to the Petitioner, it would be very difficult for her to travel more than 120 Kms along with her 1 year 4 months old baby to attend the court proceedings in O.P.No.856 of 2019 on the file of Additional Family Court, Coimbatore.

3. Learned counsel appearing for the parties have agreed that the O.P. No.856 of 2019 pending on the file of Additional Family Court, Coimbatore can be withdrawn from the said court and transferred to the file of Family Court, Erode, instead of Sub Court, Sankari, Salem District.

4. The learned counsel appearing for the respondent would submit that, out of the wedlock, the petitioner and the respondent have been blessed with a child and the child is with mother, it is the moral responsibility of the father to pay a monthly maintenance to the child and that the respondent herein, has fairly agreed to the same.

5. Taking note of the magnanimous attitude of the husband to

pay, without prejudice to the rights of the wife to claim a further maintenance depending upon the earning capacity of the husband/respondent, a sum of Rs.3,000/- shall be paid by the respondent/father to the child per month, subject to the condition that on any one of the hearing dates fixed by the Family Court, Erode, wife has to bring the child so that the father of the child/respondent herein, could spend time with the child. In case any application for maintenance is filed by the wife, the amount ordered by this court, shall be adjusted, if any further enhancement of monthly maintenance is awarded by the court. In case the child is not brought to the court so as to enable the husband to see his child, it is needless to state that the court can draw adverse inference against the wife about her conduct in the father spending time with the child and the difference between the spouses should not make the child feel that he/she is a orphan.

5. Recording the submissions made by the learned counsel appearing for the Respondent, O.P. No.856 of 2019 pending on the file of Additional Family Court, Coimbatore is withdrawn from the said court and transferred to the file of Family Court, Erode. The Family Court, Erode, is expected to conclude the trial, 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.

6. The Transfer Civil Miscellaneous Petition is allowed as indicated above. No costs. Consequently, connected C.M.P.No.26741 of 2019 is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

Asr

To :

1) The Family Court, Erode

2) Additional Family Court, Coimbatore

+1 cc to Mr.K.MuthuVisakan Advocate sr6537

+1 cc to Mr.C.Thomas Noble Advocate sr6541

Tr.C.M.P.No.1002 of 2019 and
C.M.P. No.26741 of 2019

pvs(co)

aa10/03/2020

Page No.2 of 2