

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.03.2021
CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
Tr.C.M.P.No.114 of 2021
and
C.M.P.No.3665 of 2021

V.Shobhna .. Petitioner/Respondent

vs.

A.Rajesh Prabhu .. Respondent/Petitioner

PRAYER : Transfer CMP is filed under Section 24 of the Civil Procedure Code, to withdraw the case in H.M.O.P.No.1405 of 2020 pending on the file of Hon'ble V Additional Judge, Family Court at Chennai and transfer the same to the file of Family Court at Namakkal.

For Petitioner : Mr.M.Murali
For Respondent : Mr.A.Umashankar

O R D E R

The respondent / husband is present before this Court today. So long, the respondent is paying a sum of Rs.5,000/- as Maintenance to the petitioner/wife and the minor male child, aged about 3 years. The respondent is ready to meet out the educational expenses of the child and further, he consented to pay the monthly maintenance of Rs.12,000/- per month with effect from 1st April, 2021 and the amount will be credited in the Bank Account of the petitioner, which is furnished to the respondent through the learned counsel for the petitioner.

2. The learned counsel for the petitioner states that a sum of Rs.12,000/- may not be sufficient.

3. However, this Court is of the considered opinion that at present, the respondent agreed to pay a sum of Rs.12,000/- as monthly maintenance and after enhancement of his salary by the Government of India, he will pay proportionately to the petitioner and the minor child. In view of the said undertaking, the respondent/husband is directed to pay the monthly maintenance of Rs.12,000/- to the petitioner/wife and to the minor child with effect from 1st April 2021 and further, increase has to be done consciencely by the respondent/husband, as and when there is a hike in his salary.

4. The petition for transfer is filed to

transfer H.M.O.P.No.1405 of 2020 from the V Additional Family Court, Chennai to the Family Court, Namakkal.

5. The Marriage between the petitioner and the respondent was solemnized on 19.02.2016 as per Hindu Rites and Customs. A male child born from and out of the wedlock on 31.08.2017 and now aged about 3 years named as Yogan.

6. The learned counsel appearing on behalf of the petitioner also made a submission that the petitioner has no objection for providing Visitation right to the respondent / father and the respondent / father is permitted to visit the child on every Saturdays and Sundays, which are Holidays for him. The respondent should not cause any inconvenience to the petitioner or her family members, while exercising his visitation right. The consent given by both the petitioner and the respondent to permit the respondent / husband to visit the child and to pay maintenance by the respondent to the petitioner to be mutually respected and honored.

7. As far as the other disputes between the parties are concerned, they are at liberty to adjudicate the same before the competent Court with reference to the petition already filed by the respondent.

8. As far as the transfer petition is concerned, the petitioner is now residing at Namakkal along with her parents and she has to take care of the child and under these circumstances, she may not be in a position to travel and contest the case. Thus, this Court is inclined to consider the transfer petition.

9. This being the factum, this Transfer Civil Miscellaneous Petition No.114 of 2021 stands allowed and H.M.O.P.No.1405 of 2020 pending on the file of the V Additional Family Court, Chennai, is directed to be transferred to the Family Court, Namakkal. The Family Court at Namakkal is requested to dispose of the matter as expeditiously as possible, considering the fact that the respondent is working at Chennai and long delay would cause inconvenience to the parties. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

Kak

To

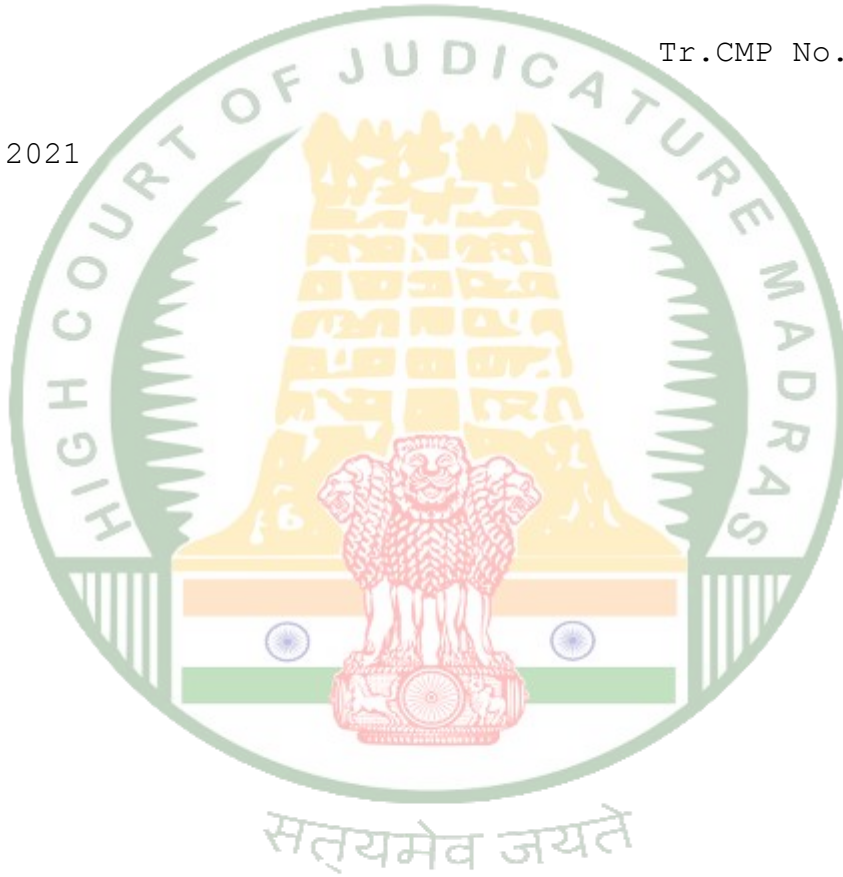
1.The Judge,
V Additional Family Court, Chennai.

2.The Judge,
Family Court, Namakkal.

+2cc to MR.M.MURALI, ADVOCATE, SR.NO. 20455

Tr.CMP No.114 of 2021

SMI (CO)
KKN 29.04.2021



WEB COPY