



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S. KANNAMMAL

Tr.C.M.P.No.214 of 2021
and
C.M.P.No.6012 of 2021
[Video Conferencing]

Keerthana Velusamy ...Petitioner/Respondent

vs.

S.Rameshkumar ...Respondent/Petitioner

This Petition filed under Section 24 of the Code of Civil Procedure, praying to withdraw H.M.O.P.No.617 of 2021 pending on the file of the III Additional Family Court, Chennai and to transfer the same to the file of Subordinate Judge, Kumbakonam.

For Petitioner : Mr.V.Kannadasan

For Respondent : No appearance

ORDER

The wife seeks transfer of proceedings in H.M.O.P.No.617 of 2021 filed by the husband at III Additional Family Court, Chennai to the Subordinate Court, Kumbakonam.

2.The learned counsel for the petitioner/wife submitted that the petitioner is residing in Kumbakonam along with her parents and now she is pregnant. It is also submitted that she has no employment. In these circumstance, it is also very difficult for the petitioner to travel from Kumbakonam to Chennai for attending the Court on every hearings during pregnancy. Therefore, she seeks transfer of the case from III Additional Family Court, Chennai to the Subordinate Court, Kumbakonam.

3. Despite service of notice on 01.09.2021, the respondent has not chosen to appear before this Court either in person or through counsel duly instructed, which shows that the respondent/husband has no reason to deny the averments stated in the affidavit filed in support of the petition filed by the petitioner/wife for transfer of H.M.O.P.No.617 of 2021.



4. The husband seeks divorce on the ground of cruelty. The wife is admittedly a resident of Kumbakonam and the transfer is sought for mainly on the ground of convenience, particularly on the ground of pregnancy. Considering the fact that the distance between Chennai and Kumbakonam is around 300 km, this Court is of the view that it would be in the interest of justice to give a fair opportunity to the petitioner/ wife to contest the case.

5. In view of the above, the proceedings in HMOP No.617 of 2021 pending on the file of the III Additional Family Court, Chennai are withdrawn and transferred to the Subordinate Court, Kumbakonam. The learned III Additional Family Judge, Chennai, is directed to transmit the papers to the file of the learned Subordinate Judge, Kumbakonam, forthwith. The learned Subordinate Judge, Kumbakonam, is directed to dispose of the case in H.M.O.P.No.617 of 2021 on merits and in accordance with law as expeditiously as possible.

6. In fine, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vum

To

1. The III Additional Family Court,
Chennai.

2. The Subordinate Judge,
Subordinate Court,
Kumbakonam.

+1cc to Mr.V.Kannadasan, Advocate, S.R.No.57069

Tr.C.M.P.No.214 of 2021
and
C.M.P.No.6012 of 2021

VBM(CO)
RGA(30/11/2021)