



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Tr.C.M.P.No.334 of 2021
and
C.M.P.No.7939 of 2021

[Through video conferencing]

S.Vanaselvi ...Petitioner
-vs-
R.Sadasivam ...Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in F.C.O.P.No.3 of 2021 pending on the file of the Family Court at Vellore, Vellore District and transfer the same to the family Court at Chennai, Chennai District.

For Petitioner : Mr.M.Sathish Kumar

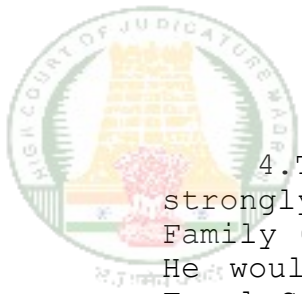
For Respondent : Mr.M.Ganesh

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw the case in F.C.O.P.No.3 of 2021 pending on the file of the Family Court at Vellore, Vellore District and transfer the same to the Family Court at Chennai, Chennai District.

2.The respondent/husband has filed F.C.O.P.No.3 of 2021 before the Family Court at Vellore, Vellore District for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her old age mother, under medical care and brother who is a dialysis patient. The distance between Chennai to Vellore is around 150 Kms. The petitioner is taking care of her mother and being a lady she finds it difficult to travel alone from Chennai to Vellore for attending the Court on every hearings in F.C.O.P.No.3 of 2021. Therefore, on the ground of convenience, she seeks to transfer the case from Vellore to Chennai.



4.The learned counsel for the respondent/husband has strongly opposed the transfer of the case from the file of the Family Court, Vellore to the file of the Family Court, Chennai. He would submit that as the respondent was suffering from LT Focal Seizure with Generalization, he has give up his service in the Indian Army. Further, he had suffered a massive heart attack and presently taking treatment. The learned counsel further submitted that the respondent has to take care of his 80 years old mother who is having several medical complications. The learned counsel further submitted that if the case is transferred to Chennai, due to his medical conditions, the respondent will find it very difficult to travel from Vellore to Chennai on every hearings. The learned counsel further submitted that the respondent is prepared to bear the entire travel expenses of the petitioner.

5.Heard the learned counsel on either side and perused the materials available on record.

6.It is well settled that the wife's convenience should be considered while deciding whether the matrimonial dispute should be transferred to the place of the wife. Hence, this Court is inclined to withdraw the case in F.C.O.P.No.3 of 2021 from the file of the Family Court at Vellore and transfer the same to the file of the Family Court at Chennai. The learned Judge, Family Court, Vellore is directed to transmit the papers pertaining to F.C.O.P.No.3 of 2021 to the file of the Family Court, Chennai, forthwith. The learned Judge, Family Court, Chennai, is directed to dispose of the case in F.C.O.P.No.3 of 2021 on merits and in accordance with law as expeditiously as possible.

7. The personal appearance of both parties before the Family Court, Chennai, is dispensed with, except the dates of hearing, on which, the learned Judge insisted upon the parties to appear before the Court. On other hearing dates, the counsel on behalf of the parties may appear before the Court.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To:

1. The Family Court,
Vellore.

2. The Family Court,
Chennai.

+1cc to Mr.M.Ganesan, Advocate, S.R.No.42338

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GP[co]
NSK 14/09/2021