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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Tr.C.M.P. No.336 of 2021
and
C.M.P. No.7953 of 2021

Deepa ... Petitioner /Respondent

Versus

Anuj Kothari .. Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of Civil Procedure Code, to withdraw the petition in F.C.O.P. No.2917 of 2019 pending on the file of the III Additional Family Court, at Chennai and transfer the same to the file of the Family Court, at Thiruvannamalai.

For Petitioner : Mr. P.B.Balaji

For Respondent : M/s. Chennai Law Firm

O R D E R

This petition is filed to withdraw and transfer of the proceedings in F.C.O.P. No.2917 of 2019 pending on the file of the III Additional Family Court, Chennai, to the file of the Family Court, Tiruvannamalai.

2. The petitioner is the wife. The respondent husband filed a petition for dissolution of marriage in F.C.O.P. No.2917 of 2019, before the III Additional Family Court, Chennai. The petitioner states that she has two children who are currently studying in a school at Chennai and that her mother was recently diagnosed with blood cancer and her father has recently undergone angioplasty. Since the petitioner is already taking care of her two young children, it is further stated that it is very difficulty for her to travel from Tiruvannamalai to Chennai, to attend each hearing. Hence she seeks transfer of case on the ground of convenience.

3. The respondent husband has filed a counter affidavit. He referred to a criminal complaint filed by the petitioner as



against him. The respondent is actually concerned about the petitioner's conduct and attitude towards him. According to him, the petitioner's father is a powerful politician in Polur Area and capable of influencing many people. It is the case of the respondent that he is running an electrical shop in Chennai for his livelihood and that it will be more inconvenient for him to run his business and to take care of his widowed mother who is aged 67 years if the proceedings are transferred to any place which is far away from Chennai.

4. It is admitted that the petitioner has her permanent residence is at Tiruvannamalai. Hence travelling 220 Kms from Tiruvannamalai to Chennai may be difficult for the petitioner wife. Since the petitioner's mother is also affected by cancer, the petitioner may not have a support from his family to travel from Tiruvannamalai to Chennai to attend hearings. The petitioner also expressed some physical discomfort. Though the respondent husband has expressed some difficulty on account of his deaf and dumb brother and aged mother, this Court is able to see that the inconvenience caused to the wife will be comparatively more if the proceedings are tried before III Additional Family Court, Chennai.

5. Considering the relative merits and hardships, this Court is inclined to allow this petition with the following direction:

The proceedings in F.C.O.P. No.2917 of 2019 pending before the III Additional Family Court, Chennai, are withdrawn and transferred to the Family Court, Tiruvannamalai. The Judge, Family Court, Tiruvannamalai, is directed to expedite the trial and dispose of the proceedings as expeditiously as possible preferably within a period of fourth months from the date of receipt of records. If the petitioner wife, for any reason, is found to have caused any inconvenience to the respondent or failed to appear continuously for two or more hearings, it is open to the respondent husband to seek re-transfer or for modification of this order.

6. Accordingly, this transfer civil miscellaneous petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Judge,
The Family Court, Tiruvannamalai.

2.The Judge,
The III Additional Family Court, Chennai.

+lcc to M/s.Chennai Law Associates, Advocate, S.R.No.33749

Tr.C.M.P. No.336 of 2021

GSM(CO)
CB(11/08/2021)