

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

TR.C.M.P.NO.352 OF 2021

AND

C.M.P.NO.8217 OF 2021

[THROUGH VIDEO CONFERENCING]

S.Suhashini

... Petitioner

-vs-

Sivakumar

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.1249 of 2021 on the file of the Subordinate Court at Alandur and transfer to the Family Court at Tiruvannamalai to try along with H.M.O.P.No.177 of 2020.

For Petitioner : Mrs.s.Suseela Devi
For Respondent : Mrs.M.Sneha

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw and transfer of the case in H.M.O.P.No.1249 of 2021 from the file of the Subordinate Court at Alandur and transfer the same to the Family Court at Tiruvannamalai.

2.The respondent/husband has filed H.M.O.P.No.1249 of 2021 before the Subordinate Court at Alandur for divorce.

3.The learned counsel for the petitioner/wife submitted that the petitioner is residing with her parents house at Tiruvannamalai. The distance between Tiruvannamalai to Alandur is around 200 kms and if the petitioner attends the Court hearing at Tirupattur, there would be life threat at the hands of the respondent. Moreover, the petitioner has no source of income and she is depending on her aged parents since the petitioner's parents facing physical and financial problems of accompanied with his parents and her advocate for attending the

Court hearing and in this circumstances, it is very difficult for the petitioner to travel from Tiruvannamalai to Alandur for attending the Court on every hearings in H.M.O.P.No.1249 of 2021. He would further submit that the petitioner has filed a petition in H.M.O.P.No.117 of 2020 for restitution of conjugal rights is still pending before the Family Court at Tiruvannamalai. Therefore, he seeks to transfer the case from the file of the Subordinate Court at Alandur to the file of the Family Court at Tiruvannamalai.

4.The learned counsel for the respondent/husband has strongly opposed to transfer the case. However, he submitted that if the matter may be referred to mediation center, there is every possibility to settle the issues amicably between the parties themselves.

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

6.Considering the facts and circumstances of the case and the submissions made by both the learned counsel, this Court is inclined to transfer the case to the file of the Family Court at Tiruvannamalai.

7.Accordingly, H.M.O.P.No.1249 of 2021 is withdrawn from the Subordinate Court at Alandur and transferred to the file of the Family Court at Tiruvannamalai, for disposal as per law. The Subordinate Court at Alandur, is directed to transmit the papers to the file of the Family Court at Tiruvannamalai, forthwith. The learned Family Judge at Tiruvannamalai is directed to refer the matter to the mediation center and if mediation fails, then the learned Family Judge, Tiruvannamalai is directed to dispose of the case in H.M.O.P.No.1249 of 2021 on merits and in accordance with law as expeditiously as possible.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssi

To:

1. The Subordinate Court, Alandur.
2. The Family Court, Tiruvannamalai.

+1cc to M/S.S.Suseela Devi, Advocate, S.R.No.39363

Tr.C.M.P.No.352 of 2021
and C.M.P.No.8217 of 2021

JPL (CO)
PM/17/09/2021