



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.10.2021

PRONOUNCED ON : 22.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

TR.C.M.P.NO.517 OF 2021

AND

C.M.P.NO.13922 OF 2021

H.Uma

... Petitioner

Versus

M.Senthilnathan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P.No.699 of 2021, pending on the file of the Family Court, Madurai and transfer the same to the file of any Family Court, Chennai.

For Petitioner : Mr.R.Raj Mohan

For Respondent : Mr.T.Sivananthan

ORDER

[The Case has been heard through video conference]

The present Transfer Civil Miscellaneous Petition is filed praying to withdraw the H.M.O.P.No.699 of 2021, pending on the file of the Family Court, Madurai and transfer the same to the file of any Family Court, Chennai.

2. The respondent/husband has filed H.M.O.P.No.699 of 2021 against the petitioner/wife before the Family Court, Madurai, for divorce.

3. The learned counsel for the petitioner submitted that the petitioner being a female could not travel alone to Madurai for every hearing, in connection with the H.M.O.P.No.699 of 2021



filed by the respondent. It is also stated that at the instance of the respondent, the petitioner apprehends that she will be threatened and humiliated by the persons associated with the respondent at Madurai. Further, the petitioner has to take care of her ailing parents and 4 year male child, who is studying LKG. For every hearing, the petitioner may have to travel for about 9 hours to cover 500 kms from Chennai to Madurai and again return back to Chennai covering another 500 kilometers. Thus, in all, the petitioner has to travel atleast 1000 kms to attend the court proceedings in H.M.O.P.No.699 of 2021. Therefore, the learned counsel for the petitioner prayed this Court to allow this Transfer Civil Miscellaneous Petition as prayed for.

4. The learned counsel for the respondent submitted that after the death of his mother, he was the only son, bound to take utmost care of his father and more so as his elder sisters are married and living with their respective families separately since fifteen years. Therefore, he was forced to work at home and he is unable to go Chennai for his work. The petitioner's father had worked as Superintendent in P.W.D., and mother had worked in the Defence Service, in Engineering Department and they retired as the said Government officials as as such they are also very influential people and more so in Chennai where the transfer of the H.M.O.P.No.699 of 2021 is being sought for and if this petition is allowed, he will be put to grave injustice. He therefore prayed for dismissal of the this Petition.

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

6. Whenever a transfer is sought, particularly in matrimonial proceedings, the Court would weigh the convenience of the parties, particularly the wife who has 4 years old son. In this case, the petitioner is residing at Chennai and she has to attend the hearing of the case at Madurai. For this purpose, she is required to travel at least 1000 kms, up and down, for every hearing. On the other hand, the respondent who is residing at Madurai, being a male, can have no hassle to travel to Chennai, in the event of the case being transferred. Therefore, weighing the convenience of the parties and the facts and circumstances of this case, this Court is of the view that the Transfer Civil Miscellaneous Petition deserves to be allowed, by withdrawing and transfer the H.M.O.P.No.699 of 2021, from the file of Family Court, Madurai to the file of the Family Court, Chennai.

7. This Court feels it appropriate to direct the Family Court, Chennai, not to insist upon the personal appearance of



the respondent, except during the enquiry stage or any day, when his personal appearance is required.

8. Accordingly, with the above observation, this Transfer Civil Miscellaneous Petition is allowed. Consequently, HMOP No. 699 of 2021 is ordered to be withdrawn from the file of the Family Court, Madurai and it stands transferred to the file of any Family Court, Chennai. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

gbi

To:

1. The Judge,
Family Court, Madurai.
2. The Judge,
Family Court, Chennai.

+1cc to Mr.R.Raj Mohan, Advocate, S.R.No.60393

Tr.C.M.P.No.517 of 2021

KG(CO)
RLP(02/12/2021)