



WEB COPY



1

Tr. CMP. No.675 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Tr. C.M.P. No.675 of 2021

and

C.M.P. No.16928 of 2021

Mrs. Mageshwari

... Petitioner

Versus

Mr. K. Selvamani

... 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.175 of 2021 pending on the file of the Sub-Court Judge, Poonamallee, and transfer the same to the learned Family Court, Cuddalore.

For Petitioner : Mr.P. Paul Selvam

For Respondent : Sachin Menon

ORDER

The present Transfer Civil Miscellaneous Petition has been filed to withdraw the H.M.O.P.No.175 of 2021 pending on the file of the Sub-Court Judge, Poonamallee, and transfer the same to the learned Family Court, Cuddalore.



2. The respondent/husband has filed H.M.O.P. No.175 of 2021 on the file of the Sub-Court Judge, Poonamallee seeking for divorce on the ground of cruelty.

3.The learned counsel for the petitioner/wife submitted that due to age factor, the petitioner is undergoing medical treatment. The petitioner is residing at Cuddalore. The distance between the Cuddalore and Chennai is around 240 Kms. Hence, it would be very difficult to travel from Cuddalore to Poonamallee which is about 240 Kms distance, for attending the Court on every hearing. Therefore, she seeks to transfer the case from Poonamallee, Chennai to Cuddalore.

3.The learned counsel for the respondent/husband submitted that the respondent is also suffering various ailments due to age factor. Hence, the respondent is also not able to travel from Cuddalore to Poonamallee, Chennai. Hence, this present petition may be dismissed.



4. Heard the learned counsel for the petitioner and the respondent and perused the material available on record.

5. Even though the learned counsel for the respondent argued in a well manner putting forth his contention strongly against the transfer of the petition, this Court is inclined to transfer the case to the file of the learned Family Court, Cuddalore since the petitioner being aged lady undergoing medical treatment due to age factor, it is very difficult for her to travel from Cuddalore to Chennai for attending the Court on hearing while she is depending on the maintenance of Rs.10,000/- being paid by the respondent.

6. Accordingly, H.M.O.P.No.175 of 2021 is withdrawn from the file of the Sub-Court Judge, Poonamallee and transferred to the file of the learned Family Court, Cuddalore. for disposal as per law. The Sub-Court Judge, Poonamallee, is directed to transmit the papers to the file of learned Family Court, Cuddalore, within a period of six weeks from the date of receipt of a copy of this order. The learned Family Court, Cuddalore, is directed to dispose of the case in H.M.O.P.No.175 of 2021 on merits and in

S.KANNAMMAL.J.,



lbm

accordance with law as expeditiously as possible. Further, since the respondent/husband being aged person undergoing medical treatment due to age factor, the Trial Court shall not insist the appearance of respondent until and unless it is required in the case.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed.

No Costs. Consequently, connected miscellaneous petition is closed.

13.07.2022

Lbm

Internet : Yes / No

Index : Yes / No

To:

1. The Sub-Court Judge, Poonamallee.
2. The learned Family Court, Cuddalore.

Tr. C.M.P. No.675 of 2021
and
C.M.P. No.16928 of 2021