



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HON'BLE Ms.JUSTICE P.T.ASHA

Tr.C.M.P.No.984 of 2021

and

C.M.P.No.21673 of 2021

Dr.Sarayu Gayathri

...Petitioner

Vs

Dr.Venkatesh

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw H.M.O.P.No.100 of 2021 from the file of the Sub Court, Thiruvarur and transfer the same to the file of the Family Court, Thiruvannamalai, having competent jurisdiction.

For Petitioner : Mr.R.Thamarai Selvan

For Respondent : M/s.S.T.P.Kuilmozhi

ORDER

The petitioner/wife in the matrimonial dispute has filed this Transfer Civil Miscellaneous Petition, seeking transfer of H.M.O.P.No.100 of 2021, pending on the file of the Sub Court, Thiruvarur to the file of the Family Court, Thiruvannamalai.

2. The respondent-husband has filed H.M.O.P.No.100 of 2021 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955 on the file of the Sub Court, Thiruvarur for divorce.

3. Transfer is sought for by the petitioner-wife on the ground that she is residing at Tiruvannamalai and the distance between Tiruvannamalai and Thiruvarur is nearly 201 kms. It would take nearly 5 1/2 hours to travel by bus to the Court at Thiruvarur. Apart from that, being a lady, she cannot travel alone and someone has to accompany her.

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



5. The learned counsel for the respondent-husband would submit the respondent-husband, who is a Doctor, is now practising at Chandigarh. Since the matter is being transferred from a Sub Court to a Family Court, where the presence of the parties is mandatory for every hearing, his presence may be dispensed with for non effective hearings.

6. Accordingly, the Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.100 of 2021 pending on the file of the Sub Court, Thiruvarur is withdrawn and transferred to the file of the Family Court, Thiruvannamalai. The learned Judge, Family Court, Thiruvannamalai is directed not to insist upon the presence of the respondent-husband for all non effective hearings. His presence only be required for adducing evidence and even counselling be attended through video-conferencing. The learned counsel for the respondent-wife has given an undertaking to this Court that on the very same day when the matter is posted for cross examination of the respondent-husband, his cross examination will be positively commenced and concluded on the very same day. No Costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

srn
To

1. The Subordinate Judge, Thiruvarur

2. The Judge, Family Court, Thiruvannamalai

+1 CC to Mr.R.Thamarai Selvan, Advocate sr 25432

+1 CC to Mr.S.T.P. Kuilmozhi, Advocate sr 25336.

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GPL (CO)
SP(26/04/2022)