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Tr.C.M.P.No.165 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19/6/2023

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

Tr.C.M.P.No.165 of 2023

S. Shankar Ramakrishnan ... Petitioner

Vs

Champa Ganesh @ Jambagalakshmi ... Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.No.138 of 2022 pending before the Principal Subordinate Judge, Chengalpattu and transfer the same to the Family Court, Chennai.

For Petitioner ... Mr.Guru Dhananjay

For Respondent ... Mr.N.Sivaprakash

ORDER

This Civil Revision Petition is filed to withdraw H.M.O.P.No.138 of 2022 pending before the Principal Subordinate Judge, Chengalpattu and transfer the same to the Family Court, Chennai.



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2. Brief facts which are necessary for the disposal of this petition are as follows:-

The petitioner is the husband of the respondent. The marriage between the petitioner and respondent has taken place on 4/6/2015, at Chennai. Subsequently, disputes were arose between them, on which, the respondent/wife has filed a petition, seeking for divorce, under Section 13 (1) (i-a) of the Hindu Marriage Act, 1955, on the ground of cruelty. On receipt of notice, petitioner has filed this petition under Section 24 of the Code of Civil Procedure, seeking for transfer of H.M.O.P.No.138 of 2022 from the file of Subordinate Court, Chengalpet, to that of the file of Family Court, Chennai.

3. Heard Mr.Guru Dhananjay, learned counsel for the petitioner and Mr.N.Sivaprakash, learned counsel for the respondent.

4. The learned counsel appearing for the petitioner submitted that if H.M.O.P.No.138 of 2022 has been transferred to Family Court, Chennai, it saves the time of both the parties.



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5. On the contrary, the said petition was strongly opposed by the respondent/wife alleging that she has got a child of two years old. If the case is transferred to the Family Court, Chennai, it will be a great difficulty for her to travel along with the child.

6. Perused the materials available on record.

7. The Subordinate Court, Chengalpet, is having territorial and subject matter of jurisdiction, to entertain H.M.O.P.No.138 of 2022, filed by the respondent/wife. The petitioner is having a child of 2 years old and that she has been staying with her parents, which is within the territorial jurisdiction of Chengalpet. In case, if the case is transferred to Family Court, Chennai, she has to travel for about 40 Kms, from the place where she is residing. If the case is not transferred to Family court, Chennai, her travelling distance would be only 20 Kms. The petitioner/husband did not make out any strong reasons, to transfer H.M.O.P No.138 of 2022, from the file of the Principal Subordinate Court, Chengalpet to that of the Family Court, Chennai.



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8. The only ground on which the petitioner intends to seek the transfer is that the Family Court, Chennai would be convenient for both the parties. It is the settled legal position that convenience of wife is one of the major grounds to consider for transfer. The petitioner did not express any reason as to why he cannot attend the Chengalpet Court.

9. Considering the circumstances, since the Principal Subordinate Court, Chengalpet is convenient for the respondent/wife, the petitioner being husband cannot seek transfer of H.M.O.P.No.138 of 2023 from the learned Principal Subordinate Court, Chengalpet to that of the Family Court, Chennai.

10. In view of the above, this Civil Revision Petition is dismissed.
No costs.

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Index :yes/no
Neutral Citation: Yes/No
mvs.



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To

1. The Principal Subordinate Judge, Chengalpattu



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Dr.D.NAGARJUN,J

mvs.

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