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Tr.CMP No.118 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.118 of 2023
and C.M.P.Nos.2355 and 2356 of 2023

Deepa Sridharan

.... Petitioner

-Vs-

Dyanandh Vasanthapoopathy Chellappanadar

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to withdraw and transfer the HMOP No.3774 of 2019 from the file of the V Additional Family Court, Chennai to the Family Court at Trichy.

For Petitioner : Ms.P.R.Umamaheswari

For Respondent : Served through paper publication
- No appearance

ORDER

This Transfer Petition seeks for withdrawing the proceedings in H.M.O.P.No.3774 of 2019 before the V Additional Family Court, Chennai and transfer the same to the file of the Family Court at Tiruchirapalli.

2.The respondent before this Court seems to have married three women at different points of time. He married the transfer petitioner for the third time on



27.02.2017. The petitioner was, during the time of marriage and is currently working in the Republic of China at Taipei. She states that she married the respondent under the impression he was a divorcee, but subsequently she came to know that the first marriage between the respondent and his wife was itself not dissolved. Therefore, she moved an application under Section 11 of the Hindu Marriage Act seeking for an order that the marriage between the respondent and herself is null and void. The ground is rather simple that, as the respondent had a subsisting marriage at the time of contracting marriage with the petitioner, he is not entitled for the marriage with the petitioner and therefore the relief.

3. After the petitioner's marriage with the respondent and discovering that he was previously married, she went back to Taiwan and re-secured her employment. She states that she is having difficulty in prosecuting the case from Taiwan as the V Additional Family Court in Chennai is not entertaining her request for appearance through videoconferencing. She would also bring to my notice that the second wife has filed M.C.No.677 of 2019, which is now currently pending before the VII Additional Family Court at Chennai.

4. Taipei and India are separated by nearly eight hours of flying and despite the fact that she has appointed a counsel, it looks like the Family Court is not permitting her to prosecute the case through videoconferencing. She would further plead that her mother is a senior citizen, who is aged about 76 years and is not in a position to



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come and appear before the Court at Chennai as a power of attorney. She would also plead that her mother is currently stationed in Trichy.

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5. Heard the learned counsel for the petitioner. The respondent, though was attempted to be served through process of court, he has been avoiding the same. Therefore, this Court had ordered publication in one issue of Dinamalar circulated in Kanyakumari District and it has also been effected. This is treated as sufficient service.

6. The difficulty that the petitioner faces can be obviated by permitting the petitioner to appear through videoconferencing before the Family Court at Chennai. It is not as if Trichy is closer to Taipei than Chennai. The difficulty she faces is that the Court is not willing to appreciate her position that she is a single mother who is taking care of her daughter staying with her in Taipei, therefore she can appear only through videoconferencing.

7. In the light of the above discussion, I am not inclined to transfer the petition to Trichy and put the petitioner's mother into more difficulty. Suffice it to transfer the present proceedings to the file of the VII Additional Family Court, Chennai, wherein the proceedings initiated by the previous wife of the respondent is pending in M.C.No.667 of 2019.



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8. Accordingly, the Transfer C.M.P., is allowed. The proceedings in HMOP No.3774 of 2019 pending on the file of the V Additional Family Court at Chennai will stand transferred to the file of the VII Additional Family Court at Chennai to be heard and disposed of along with M.C.No.667 of 2019. The learned Family Judge is requested to permit the petitioner to appear through videoconferencing and also enable her to file petitions through her duly appointed amicus. The Transfer C.M.P. is allowed on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

16.07.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

- 1.The V Additional Family Court, Chennai.
- 2.The VII Additional Family Court, Chennai.



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V. LAKSHMINARAYANAN, J.

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