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Tr.CMP No.413 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

**CORAM :
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**Tr.CMP No.413 of 2024
and CMP No.8574 of 2024**

R.Vasanth Kumari ... Petitioner

Vs

S.Manikandan ... Respondent

PRAYER : Transfer CMP under Section 24 of CPC to allow the transfer CMP to withdraw the petition filed by the respondent in HMOP No.15/2024 pending on the file of the Family Court, Pudukkottai, and transfer the same to the Court of Hon'ble Family Court, Chennai for disposal in accordance with law.

For Petitioner : Mr.R.Sendhil Kumar

For Respondent : Mr.R.Ashwin

ORDER

This Transfer CMP seeks to transfer HMOP No.15 of 2024 from the file of the Family Court at Pudukkottai to the file of the Family Court at Chennai.

2. The relationship between the parties is not in dispute. The petitioner is the wife. The respondent is the husband. They got married on 26.01.2011 at Pudukkottai. From the wedlock, two children were born, who are aged about 12 and 6 respectively. Due to disputes and differences, the parties have separated.



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3. Pleading that the wife had treated him with cruelty, the husband filed an application for divorce invoking Section 13(1)(1a) of the Hindu Marriage Act. This petition was numbered as HMOP No.15 of 2024. As the wife is residing in Singapore, she pleaded that it is difficult for her to travel from Singapore to Pudukkottai for every hearing and since she finds threat to her life in Pudukkottai, she has moved this transfer.

4. Notice was issued in the transfer petition and the respondent is represented by a counsel.

5. Learned counsel for the respondent pleads that the respondent husband had been diagnosed with blood cancer and on coming to know of the fact that the husband is suffering from this disease, the wife had abruptly left him in Singapore. Hence, he was constrained to return to India for his treatment. Both the counsel represent that the husband has recovered and is now staying in Pudukkottai.

6. The petitioner's counsel represents that the wife has given a power of attorney to her widowed mother and she is taking care of the litigation. The matter was referred to mediation by an order dated 15.07.2024. The Tamil Nadu Mediation and Conciliation Centre has sent a report on



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11.09.2024 stating that the mediation has failed. Hence, the matter has been referred back to this Court for passing orders on merits.

7. I have considered the plea of the petitioner as well as the respondents. The petitioner wants transfer on account of the fact that she fears some threat to her life and person at Pudukkottai. The husband is a cancer survivor. If I were to transfer the proceedings to Chennai, it will put the husband to inconvenience. At the same time, if the proceedings were to continue at Pudukkottai, the wife and her power of attorney will have difficulty as they would have to travel from Chennai to Pudukkottai to attend the litigation. Therefore, I am inclined to transfer the proceedings to the Family Court at Tiruchirapalli, which is closer to Pudukkottai. Tiruchirapalli is well connected by air with Singapore also.

8. In the light of the above discussion, HMOP No.15 of 2024 pending on the file of the Family Court at Pudukkottai is withdrawn and transferred to the Family Court at Tiruchirapalli. Since the wife is residing in Singapore, she need not appear for every hearing in Tiruchirapalli. She will be represented by a counsel on all her hearing dates. The Family Court at Trichy shall permit the petitioner to appear for the hearings virtually. The Court shall also record her evidence by online mode and shall not insist the party to file an application to appear online. However, if the Court feels that the presence of



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V.LAKSHMINARAYANAN, J.

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the party is essential, it shall specifically pass an order calling upon the party to appear before the Court and the petitioner shall appear on that date.

9. With the above directions, the Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

29.11.2024

Index: Yes/No
Neutral Citation : Yes/No
KST

To

1.The Family Court
Pudukkottai.

2.The Family Court
Tiruchirapalli.

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