



Tr CMP.No.569 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2024

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr CMP.No.569 of 2024 &
CMP.No.12472 of 2024

Vinodha @ Kanimozhi : Petitioner

versus

Dhusyendhan : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw of HMOP.No.196 of 2023 pending on the file of the learned Subordinate Judge at Chidambaram and transfer the same to the learned Subordinate Judge at Mayiladuthurai.

For Petitioner : Mr.T.Padmanabhan

For Respondent : Mr.D.Ashok Kumar

ORDER

The wife is the petitioner. She married the respondent on 02.12.2018 at Bhuvanagiri. From the wedlock, a girl was born. Due to differences and



Tr CMP.No.569 of 2024

disputes, the parties have separated. The husband has initiated HMOP.No.196 of 2023 on the file of the Sub Court at Chidambaram seeking divorce.

2. The petitioner pleads that she is unable to travel from Mayilduthurai to Chidambaram to attend every hearing. Hence the transfer.

3. Notice was ordered in the application on 25.06.2024. Mr.D.Ashok Kumar entered appearance for the respondent.

4. Mr.D.Ashok Kumar would state that the petitioner's family is very influential in Mayiladuthurai and therefore, he is seeking transfer to any place other than the said location. He would also plead that though the child is five year old as on today, the wife is not permitting the father to see the child. He fears that if the case is transferred to Mayiladuthurai, it will only exacerbate the situation.

5. I have carefully considered the arguments on both sides.



Tr CMP.No.569 of 2024

WEB COPY

6. The wife is aged about 37 years and she is taking care of a five year old female child. It would be difficult for her to leave the child at Mayiladuthurai and go to Chidambaram to attend the case and get back in time to spend time with the child.

7. Considering the circumstances, I am inclined to accept this transfer. Accordingly, the proceedings in HMOP.No.196 of 2023 is withdrawn from the file of the Sub Court at Chidambaram and is transferred to the file of the Sub Court at Myiladuthurai.

8. Insofar as the request of the father to visit the child is concerned, I put it to Mr.T.Padmanabhan that it is neither conducive nor in the best interest of the child to be kept away from the father. I passed over the matter for Mr.T.Padmanabhan to get instructions on the visitation by the father.

9. Mr.T.Padmanabhan has been able to convince his client to permit



Tr CMP.No.569 of 2024

the father to visit the child. The fear of the petitioner is that the father might take the child away from the custody of the mother. This fear can be allayed, if the respondent is permitted to meet his daughter in a public place.

10. Accordingly, both sides agree that the precincts of Sri Mayuranadhaswami Temple in Mayiladuthurai would be ideal for the child to meet the father. The father shall visit the child on every Sunday, starting from 15.09.2024, between 10 am and 1 pm at the temple.

11. It is left open to both parties to vary the location in case they agree upon the new one. This order is being passed with the consent of both parties as the child must not grow up without knowing her father.

12. With the above directions, this transfer petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

06.09.2024

nl



Tr CMP.No.569 of 2024

Index : Yes/No
Speaking Order/Non-speaking order
Neutral Citation : Yes/No

To

- 1.The Subordinate Judge at Chidambaram
- 2.The Subordinate Judge at Mayiladuthurai.



WEB COPY



Tr CMP.No.569 of 2024

V.LAKSHMINARAYANAN, J.

nl

Tr CMP.No.569 of 2024



WEB COPY



Tr CMP.No.569 of 2024

06.09.2024