



WEB COPY



Tr.CMP No.1022 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

TR.CMP No.1022 of 2023

Bala Saraswathi

.... Petitioner

-Vs-

R.Kumaran

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition under Section 24 of C.P.C., to permit the petitioner to withdraw the petition in HMOP No.1457 of 2021 pending on the file of the V Additional Family Court, Chennai and transfer the same to the Family Court, Vellore.

For Petitioner : Mr.R.Prakash Babu

For Respondent : Mr.C.Kanakarajan

ORDER

The petitioner is the wife. She married the respondent on 27.04.1995 at Vellore. From the wedlock, two female children were born. Alleging that the respondent is addicted to liquor and womanizing, the petitioner had left the matrimonial home. She has initiated HMOP No.1457 of 2021 on the file of the V Additional Family Court, Chennai. Due to financial constraints, the petitioner pleads that she has moved away from Chennai and has started residing at Vellore with her



Tr.CMP No.1022 of 2022

aged parents. She pleads that she is unable to travel from Vellore to Chennai for every hearing pleading both physical as well as financial inability.

WEB COPY

2. Notice was ordered in this transfer petition and the respondent was served. He has entered appearance through a counsel. He has filed a counter affidavit stating that the HMOP is at the fag end of the trial stage and that he is suffering from back pain for several years and is taking regular treatment for the same. He would plead that the petitioner is having sufficient rental income and therefore the case need not be transferred from Chennai to Vellore.

3. Heard Mr.R.Prakash Babu for the petitioner and Mr.C.Kanakarajan for the respondent.

4. A perusal of the E-Court status which has been produced along with the typed set of papers would show that the matter is now pending enquiry at the stage of interlocutory application. The wife has sought for maintenance, to which the husband has filed a counter and the matter has been adjourned for enquiry by the V Additional Family Court from 25.08.2022 onwards. Therefore, the statement in the counter that the matter is in the fag end of trial cannot be correct.

5. The wife is aged 47 years and she is taking care of her parents at Vellore. Apart from that, she would also plead that one of the daughters is also a divorcee and



Tr.CMP No.1022 of 2023

is staying with her. Taking into consideration the overall circumstances, I am inclined to accept the transfer. Accordingly, HMOP No.1457 of 2021 is withdrawn from the file of the V Additional Family Court, Chennai and transferred to the file of the Family Court, Vellore. Taking into consideration the health of the husband, he need not appear for every hearing before the Family Court at Vellore. Suffice that he appears for the hearing where his presence is indispensable. For all other hearings, he can be represented by way of a counsel.

6. With the above directions, the Transfer C.M.P. is allowed. No costs. Consequently, connected miscellaneous petition is closed.

23.07.2024

Index : Yes/No

Neutral Citation : Yes/No

KST

To

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



WEB COPY



Tr.CMP No.1022 of 2023

V. LAKSHMINARAYANAN, J.

KST

TR.CMP No.1022 of 2023

23.07.2024