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Tr.C.M.P. No.1286 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2024

CORAM

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

Tr.C.M.P.No.1286 of 2024
and
C.M.P.No.27813 of 2024

Vaishali

.. Petitioner

VS

A.Saravanakumar

.. Respondent

Petition filed under Section 24 of The Code of Civil Procedure, 1908 to withdraw I.D.O.P.No.164/2022 pending on the file of learned Family Court at Vellore and to transfer the same to the learned Family Court at Ranipet.

For Petitioner : Mr.B.Sundarapandiyan

For Respondent : Ms.K.Anusarala

ORDER

This is the second transfer petition at the instance of the wife. The husband had presented FCIDOP No.356 of 2021 on the file of Family Court at Chengalpet invoking Sections 10 (1) (x) of The Divorce Act, 1869 (4 of 1869). The proceedings were transferred



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from the Family Court at Chengalpet to Family Court at Vellore on 11.04.2022. It was renumbered as I.D.O.P. No.164 of 2022. The wife pleads that now that a Family Court has been created at Ranipet, the proceedings may be transferred to Ranipet. She pleads as she is a resident of Ranipet and since she is taking care of a female child, it would be convenient for her to contest the proceedings at Ranipet.

2. I heard Mr.B.Sundarapandiyan for the petitioner and Ms.K.Anusarala takes notice for the respondent.

3. Ms.K.Anusarala points out that in I.D.O.P. No.164 of 2022, the learned Family Court Judge has already commenced trial. This submission is rebutted by the learned counsel for the petitioner pleading that the application for interim maintenance under Section 36 of the Divorce Act has been filed and it is pending. Therefore, he pleads that without passing orders in the application for interim maintenance, the Court cannot proceed with the main I.D.O.P. He also points out that a maintenance case is pending before the Family Court at Ranipet. Though he alleges that the husband is in Denmark, Ms.K.Anusarala points out that the husband is currently working at Taramani in Chennai.



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4. I carefully considered the submissions of both sides. As the proceedings for maintenance is already pending before the Family Court, Ranipet, it is better that the same learned Judge deals with the maintenance as well as I.D.O.P. In addition, the petitioner has a female child who is aged about four years. It will be difficult for her to leave the child at Ranipet and travel to Vellore for the purpose of contesting the litigation. The difficulty in travelling for the husband can be obviated by making appropriate application to the Family Court.

5. Taking into consideration the convenience of the wife, I.D.O.P. No.164 of 2022 is withdrawn from the file of Family Court at Vellore and transferred to the file of Family Court at Ranipet. The learned Family Court Judge, Ranipet shall try I.D.O.P. No.164 of 2022 on receiving file from the Family Court at Vellore along with maintenance case now pending before the said Court.

6. As the husband is working in Taramani, the Family Court need not insist upon the presence of the husband for every hearing. He shall be present for all essential hearings. He shall be represented by a counsel on non-essential and procedural hearings. Prior to taking up I.D.O.P. for final disposal, learned Judge shall decide the maintenance application.



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7. With the above observation, transfer petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
Neutral Citation:Yes/No
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To

1. The Family Court, Vellore.
- 2.The Family Court, Ranipet.



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V. LAKSHMINARAYANAN,J.

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