

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28-7-2015

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Tr.CMP.No.454 of 2015

A.Madhangi

... Petitioner

Versus

1.Mr.S.Karthik
2.The Sub Registrar in the cadre of
District Registrar, Rajaji Salai,
Madras.

... Respondent

This petition is filed under Section 24 of C.P.C. to transfer the petition in H.M.O.P.No.2293 of 2013 on the file of the I Additional family Court, Madras to Madurai Family Court.

For Petitioner : Mr.V.Raghavachari
For Respondent : Mrs.Sudha Ramalingam

ORDER

The wife has filed the transfer petition seeking transfer of O.P.No.2233 of 2013 filed against respondent/husband and against the Sub-Registrar in the cadre of District Registrar, Rajaji Salali, Madras-1, seeking declaration that no marital tie took place between the petitioner and the respondent and also seeking declaration that the certificate issued by the 2nd respondent in Marriage Sl.No.2329 of 2012 dated 4.7.2012 as void in law, fraud and illegal, to the file of Madurai Family Court as her native place is Ramanathapuram.

2. Considering the young age of the parties, this Court directed them to be present before this Court. Both the parties are present. The petitioner is presently living along with her parents. This Court enquired the petitioner as well the first respondent individually.

3. The petitioner stated that she has fallen love with the respondent right from school days and on her own accord she got married him and that the Certificate of Registration of Marriage was

issued on 4.7.2012 by the second respondent. Due to circumstances, she filed O.P.No.2293 of 2013 and this transfer petition. The petitioner further expressed her willingness to go along with the respondent from the Court. When the first respondent was enquired, he wanted his wife to come along with him. This Court also enquired the parents of the petitioner, who opposed the marriage stating that her daughter was mesmerised by the respondent and she was compelled to marry respondent, since the respondent threatened to commit suicide. They also expressed their inability to celebrate their marriage and accept as couple, since the petitioner and the first respondent belong to different communities and they are bound to face problems from their relatives.

4. Therefore, this Court called the petitioner and the first respondent as well as their parents and their respective counsels jointly and the petitioner was asked to state about her position clearly. She said "To please the parents, she, left with no other option filed the H.M.O.P.". She expressed, in the presence of her parents that her parents should accept their marriage and treat them as couple, for which the parents are not ready. Therefore, the petitioner is inclined to go along with the respondent and she does not like to dissolve their marriage, which was conducted on 4.7.2012 and registered with the second respondent in Sl.No.2329/2012 dated 4.7.2012.

5. The petitioner as well as the respondent made the following endorsements.

" I would life to go and live with the respondent. Hence this transfer petition and O.P.No.2293 of 2013 on the file of I Additional Family Court, Chennai be dismissed.

28.7.2015

Sd./-----

Petitioner

" I am willing to take the petitioner with me and live with her as huban and wife throughout our life. I hereby undertake to take care of the petitioner as husband."

28.7.2015

Sd./.....
Ist Respondent.

6. In view of the categorical statements made by the petitioner that she wants to go along with the first respondent and considering the fact that the petitioner is aged about 26 years, this court is allowing the petitioner to go along with the first respondent.

From the above, it is clear that the petitioner wants to go along with the first respondent and therefore, the petitioner and the respondent are allowed to go.

7. In view of the subsequent development, no useful purpose would be achieved by keeping the above transfer petition as well as O.P.No.2293 of 2013 on the file of the I Additional Family Court, Chennai. O.P.No.2293 of 2013 pending on the file of the I Additional Family Court, Chennai is liable to be dismissed. Therefore, this Court suo motu withdraws O.P.No.2293 of 2013 pending on the file of I Additional Family Court, Chennai, by exercising power under Article 227 of the Constitution of India and dismisses the same.

8. In view of that, the transfer petition is disposed of. No costs. Consequently the connected M.P.1 of 2015 is closed.

Sd/--
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vk
To

I Additional Family Court, Chennai.

+2 cc to M/S.Sudha Ramalingam Advocate sr.38641

+1 cc to Mr.V.Raghavachari Advocate sr.38650

Tr.CMP.No.454 of 2015

vsn(co)
aa18/08/2015

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