



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2015

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

Tr.C.M.P(MD)No.282 of 2014
and
M.P(MD)No.1 of 2014

M.S.Bagavathiammal @ Booma ... Petitioner/Petitioner

Vs.

K.Ramamoorthy ... Respondent/Respondent

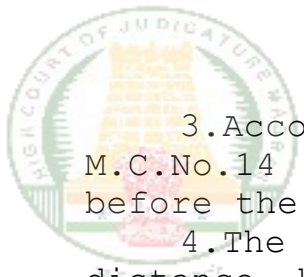
Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code to withdraw the H.M.O.P.No.156 of 2014 pending on the file of Sub-Court, Tambaram and transfer the same to the file of Sub-Court, Nagercoil, pending disposal of the above Tr.C.M.P.

For Petitioner : Mr.M.P.Senthil
For Respondent : Mr.R.Subramanian

ORDER

The Transfer Civil Miscellaneous Petition is filed to withdraw the case in H.M.O.P.No.156 of 2014 pending on the file of Sub-Court, Tambaram and transfer the same to the file of Sub-Court, Nagercoil, pending disposal of the above Tr.C.M.P.

2. The petitioner herein is the wife and the respondent is the husband. The marriage was solemnized between the petitioner and the respondent on 15.05.2013 as per Hindu Rites and Customs. According to the petitioner, after the marriage both the petitioner and respondent lived in matrimonial home at A5, Kailash Flats, Rajaji Nagar, Pallavaram, Chennai-43. Due to some misunderstanding, on 11.10.2013 the petitioner left the respondent's house and came to the parents house. On 09.11.2013 the petitioner was admitted in the Gopala Pillai Hospital. The petitioner's parents informed to the respondent and requested the respondent to come to the hospital. But the respondent did not come to see the petitioner at Nagercoil. After that, the petitioner lodged a complaint before the All Women Police Station at Kanyakumari Police Station for the dowry harassment against the respondent and his family members. The case was registered against the respondent and his family members in Cr.No.741 of 2014 under Sections 498-A of IPC and Section 4 of Tamil Nadu Prohibition of Dowry Harassment Act. The petitioner filed maintenance case in M.C.No.14 of 2014 before the Chief Judicial Magistrate at Nagercoil for maintenance.



3. According to the petitioner, after receiving notice in M.C.No.14 of 2014, the respondent filed H.M.O.P.No.156 of 2014 before the Sub-Court, Tambaram for Restitution of Conjugal Rights.

4. The petitioner is residing in her parents house. The distance between the Nagercoil and Chennai is 800 kms. The petitioner's father is a Carpenter and not having regular income. The mother of the petitioner is depending on her father's meager income. It is very difficult to travel from Nagercoil to Tambaram. The doctor advised her not to travel long distance.

5. Now, the petitioner/wife filed this petition to transfer the aforesaid HMOP No.156 of 2014 filed by the respondent/Husband before the Sub Court, Tambaram, to the file of Sub Court, Nagercoil.

6. Heard the learned counsel appearing for the petitioner and the respondent. The learned counsel for the respondent has no objection for allowing the Tr.C.M.P. Recording the no objection by the respondent, this petition is ordered.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.156 of 2014 on the file of the Sub Court, Tambaram, is hereby withdrawn and transferred to the file of the Sub Court, Nagercoil, if the same is not yet disposed of. The learned Sub Judge, Tambaram, is directed to send the case bundles to the Sub Court, Nagercoil, immediately. The Registry is also directed to send back the papers that are pending before the Registry. No costs. Consequently, M.P(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1. The Sub Court,
Tambaram.
2. The Sub Court,
Nagercoil..
3. The Section officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai

+One cc to Mr.R.Subramanian, Advocate, SR.No.27140

+One cc to Mr.M.P.Senthil, Advocate, SR.no.27421

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RL/6 c- 19/6/2015