



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2015

C O R A M

THE HONOURABLE Mr.JUSTICE P.DEVADASS

Tr.C.M.P. (MD) .Nos.228 and 229 of 2015

and

M.P. (MD) .Nos.1 and 1 of 2015

S.Sivakami

...Petitioner in both cases

Vs

P.Karthik Kumar

...Respondent in both cases

Petitions filed under Section 24 of Civil Procedure Code to withdraw and transfer the case in H.M.O.P.Nos.73 and 193 of 2014 on the file of the Sub- Court, Palani, Dindigul District to the file of the Principal Sub-Court, Namakkal, Namakkal District.

For Petitioner in

both cases ... Mr.Ananth C.Rajesh

For Respondent in

both cases ... Mr.R.Jegadeeswaran

COMMON ORDER

The petitioner seeks transfer of H.M.O.P.No.73 of 2014 filed by her husband from Subordinate Court, Palani to the Principal Subordinate Court, Namakkal.

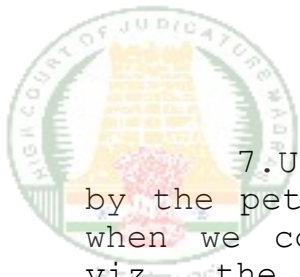
2.Petitioner and the respondent were married on 01.06.2012. They were employed. They were blessed with a child. By quirk of events, they have caught-hold of the tale of the tiger. I meant to say they have locked up in a matrimonial litigation.

3.While the petitioner was a bank staff in Palani, problem started to have arose between both. At about that time, the respondent was employed as a Government Engineer in the said area.

4.Making certain allegations on the ground of cruelty and desertion, respondent/husband filed H.M.O.P.No.73 of 2014 in the Sub-Court, Palani and sought for the relief of divorce.

5.Sivagami, the Petitioner filed a counter case. She filed H.M.O.P.No.193 of 2014 in the very same Court under Section 9 Hindu Marriage Act. Respondent wanted permanent separation (divorce) while the petitioner wants reunion (restitution of conjugal rights) .

6.Subsequently, petitioner had some uplift of service in his career. She has been transferred to State Bank of India, Paramathivelur in Namakkal District. It is pertinent to note that the child is with her. She has to discharge her duty as a mother to the child and she has also to fight the case with her husband. She has to perform multifarious duty. Now, the husband is employed in Udumalpet.



7. Under these circumstances, the transfer has been sought for by the petitioner that all the H.M.O.Ps to the Sub-Court Namakkal, when we consider the factors pertaining to the husband and wife viz., the petitioner and respondent, the difficulties to which the petitioner put to out weigh the difficulties or inconvenience to which the respondent/petitioner may undergo.

8. There is a submission of the learned counsel for the respondent that the respondent fears of his wife/petitioner there is possibility, he may be crushed. There is danger to his life. But there is no material for this.

9. Considering all the above aspects, valid ground has been made out by the petitioner to transfer the matrimonial O.Ps to the Sub-Court in Namakkal.

10. In view of the foregoing, H.M.O.P.Nos.73 and 193 of 2014 pending on the file of Sub-Court, Palani are transferred to the file of the Principal Sub-Court, Namakkal. The transferor Court without any delay shall send the case records to the transferee Court.

11. The learned Subordinate Judge, Namakkal shall initiate and make conciliatory efforts to solve the problem.

12. Accordingly, the Tr.C.M.Ps are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

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To

1. The Sub Ordinate Judge, Palani, Dindigul Distirct.

2. The Principal Sub ordinate Judge,
Namakkal, Namakkal District.

+2ccs to Mr. Ananth C. Rajesh, Advocate in SR.No.44210&44211

+one cc to Mr. R. Jegadeeswaran, Advocate in SR.No.44877

Tr.C.M.P. (MD).Nos.228 and 229 of 2015
and

M.P. (MD).Nos.1 and 1 of 2015

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