

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.No.245 of 2015
and M.P.No.1 of 2015

M.S.Kalaichelvi

.. Petitioner

-Vs.-

R.Ramakrishnan

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 04.08.2014 made in T.O.P.No.81 of 2013 on the file of the Principal District Judge, Cuddalore.

For petitioner ... Ms.K.Grahalakshmi

For Respondent ... Mr.S.Namasivvayam

O R D E R

This Civil Revision Petition has been filed as against the order dated 04.08.2014 passed by the learned Principal District Judge, Cuddalore in TOP No.81 of 2013.

2. The petitioner/wife had filed the above TOP seeking transfer of HMOP No.14 of 2013 filed by the respondent/husband and pending on the file of Sub Court, Chidambaram to the Principal District Court, Cuddalore to be tried along with HMOP No.55 of 2013 filed by her under Section 9 of the Hindu Marriage Act, 1955. However, the Court below, while allowing the transfer petition had transferred the HMOP No.55 of 2013 filed by her and pending before the Principal District Court, Cuddalore to the Sub Court at Chidambaram to be tried along with HMOP No.14 of 2013 filed by the respondent/husband. Aggrieved by the same, the present revision is filed.

3. Heard both sides and perused the records.

4. On a perusal of the order passed by the Court below, it is seen that the learned Judge has held that as per Ex.P2, which is the returned registered postal cover, the petitioner/wife is not living in Cuddalore and that she is working in Chidambaram and also living in Chidambaram, therefore, the notice paper sent to her address at Cuddalore was returned unserved. Further the learned Judge has held that if, as prayed for the petitioner/wife, the case is transferred to

Cuddalore, the respondent/husband will find it difficult to attend the hearings along with their two children. The learned Judge has also given a finding that the petitioner/wife is working in Annamalai University at Chidambaram as a Nurse, she will not be put to any hardship. By holding so, the learned Judge has transferred the HMOP filed by the petitioner/wife from the Principal District Judge, Cuddalore to the Sub Court at Chidambaram to be tried along with the HMOP filed by the husband, as no prejudice would be caused to both the parties, because of such transfer.

5. The respondent/husband has also filed typed set of papers, before this Court, enclosing the documents, viz., the notice sent by the Co-operative Society and the school records of his two children to evidence the fact that he is working and living in Chidambaram along with the children. He has also filed one other document to show that the petitioner/wife is also living in Chidambaram and that she has received the registered post at his residence address at Chidambaram only.

6. When admittedly, both the parties are residing only in Chidambaram and the children are also studying in Chidambaram, it is

un-understandable, why the revision petitioner has filed such a petition to transfer the HMOP filed by the respondent/husband to Cuddalore. Though the learned Judge had passed an order to transfer the HMOP filed by the petitioner/wife before the Principal District Court, Cuddalore to the Sub Court at Chidambaram, to suit the parties convenience, it has been unnecessarily challenged by the petitioner/wife.

7. Considering the above aspects, this Court is of the view that the Court below has rightly transferred the HMOP No.55 of 2013 filed by the petitioner/wife and pending before it to the file of the Sub Court, Chidambaram to be tried along with HMOP No.14 of 2013, filed by the respondent/husband, which does not warrant any interference in this revision.

8. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2017

vj2

To

1.The Principal District Judge, Cuddalore.

2. The Subordinate Judge, Chidambaram.

PUSHPA SATHYANARAYANA.J

vj2

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