

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2017

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P.Nos.754 of 2016
and
C.M.P.No.19409 of 2016

Chitra ... Petitioner/Petitioner
Vs.

Kanakaraj ... Respondent/Respondent

Petition filed under Section 24 of the Civil Procedure Code praying to withdraw the H.M.O.P.No.644 of 2016 on the file of the Sub Court, Tambaram and transfer the same to the competent Court at Sub Court, Ponneri, to be tried along with the H.M.O.P.No.248 of 2016.

For Petitioner : Mr.E.Masilamani

For Respondent : Served-No Appearance

ORDER

The petitioner has filed this Transfer Civil Miscellaneous Petition seeking to withdraw H.M.O.P.No.644 of 2016 pending on the file of the Sub Court, Tambaram and transfer the same to the file of the Sub Court at Ponneri, to be tried along with H.M.O.P.No.248 of 2016.

2. The wife is the petitioner herein. The marriage between the petitioner and the respondent was solemnised on 12.02.2014. At the time of marriage, jewellery, utensils and household articles were given to the petitioner. The respondent is a two wheeler mechanic. The petitioner and the respondent were living happily for some time. Subsequently, the respondent and his in-laws started torturing the petitioner. At that time, she was conceived. The petitioner was sent to her parents' house at Ponneri at the time of delivery during November 2014. On 05.12.2014, a female child was born to them. There were several mediations, after which, they joined together and lived in Madipakkam, Chennai. On 17.01.2016, the respondent along with his brother, forcibly sent out the petitioner and child from the house and she went again to her parents' house at Ponneri. The respondent filed a complaint against the petitioner before the Madipakkam

Police Station for criminal intimidation. The petitioner was summoned by the police who enquired and pacified them.

3. It is the grievance of the petitioner that she is still in her parents' house. The petitioner received a notice in H.M.O.P.No.644 of 2016 filed by the respondent before the Sub Court, Tambaram for divorce on the ground of physical and mental cruelty. The petitioner-wife did not approach for divorce. She filed a petition for restitution of conjugal rights in H.M.O.P.No.248 of 2016 before the Sub Court, Ponneri. The petitioner is not able to travel from Ponneri to Tambaram, being a long distant route, coupled with the fact that she could not afford for the travelling expenses along with the child, for every date of hearing of the case. Further more, the petitioner's father is stated to be a daily cooly and she could not get much financial help from her father. Hence, she has filed Transfer Civil Miscellaneous Petition for the above relief.

4. Heard the learned counsel for the petitioner. In spite of notice having been served on the respondent and the name of the respondent having been printed in the cause list, the respondent has not chosen to appear either in person or through counsel.

5. Taking into consideration the grievance expressed by the petitioner that she has to travel all along from Ponneri to Tambaram and also taking into account the fact that she could not afford for travelling and the fact that the petitioner is having a female child and therefore she could attend the hearing dates in H.M.O.P.No.644 of 2016, this Court deems it fit to transfer the said H.M.O.P.No.644 of 2016 from the file of the Sub Court, Tambaram to the Sub Court, Ponneri, which shall be tried along with H.M.O.P.No.248 of 2016 filed by the petitioner / wife.

6. This transfer petition is allowed accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Sub Judge,
Tambaram.

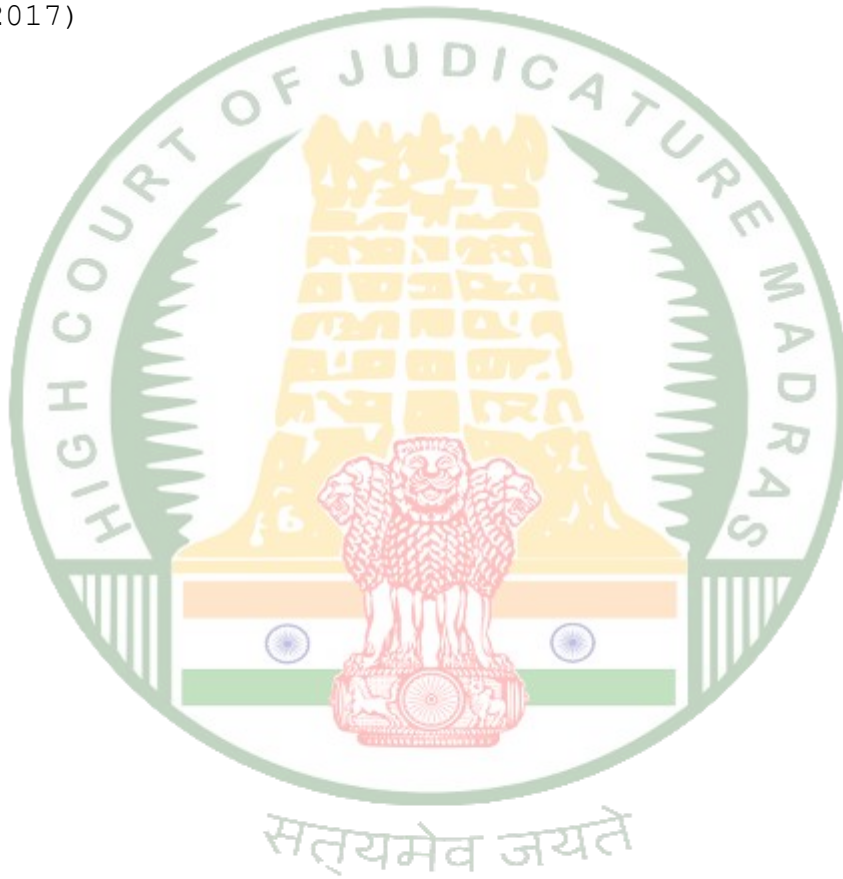
<https://hcservices.ecourts.gov.in/hcservices/>

2. The Sub Judge,
Ponneri.

+2cc's to Mr.E.Masilamani, Advocate, S.R.No.1358

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NMI (CO)
CA (20/01/2017)



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