



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2017

CORAM:

THE HONOURABLE MS.JUSTICE S.BASKARAN

Tr.C.M.P. (MD) No.496 of 2017

and

C.M.P. (MD) No.10047 of 2017

J.Dinesh Kumar

... Petitioner/Respondent

Vs.

P.Divya Bharathi

... Respondent/Petitioner

Prayer: This Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, praying to withdraw the H.M.O.P.No.20 of 2016 on the file of Sub Court, Perambalur to the file of the Family Court, Trichy and try the case along with H.M.O.P.No.270 of 2016 on the file of the Family Court, Trichy.

For Petitioner : Mr.M.R.Sreenivasan

For Respondent : Mr.P.Ganapathi Subramanian

O R D E R

The petitioner has come forward with this petition seeking to transfer H.M.O.P.No.20/16 on the file of the Sub Court, Perambalur to the file of Family Court, Trichy.

2.The petitioner/husband states that his marriage with respondent was solemnised on 21.08.2015 and commenced their matrimonial life at Trichy. Subsequently, due to mis understanding the respondent left the matrimonial home voluntarily and went away to the parents home. In spite of best efforts taken by the petitioner the respondent has not come back to the matrimonial home. Hence, the petitioner filed H.M.O.P.No.270/2016 on the file of Family Court, Trichy seeking divorce. After receiving the notice in the said petition, to harass the petitioner, the wife/respondent herein filed H.M.O.P.No.20/16 on the file of Sub Court, Periyakulam, seeking restitution of conjugal rights. The petitioner states that the relative of the respondent is a practising Advocate in Perambalur bar and on his influence none of the Advocates at Perambalur came forward to appear for this petitioner. Hence, he has engaged a counsel from Trichy to represent him at Perambalur. Further on several hearings, the relatives and the respondent's uncle were teasing the petitioner as well as his counsel. Due to some threatening activity of the respondent's relatives, the petitioner seeks to transfer H.M.O.P.No.20/2016 from the file of Sub Court, Perambalur to the file of Family Court Trichy.



3. On the other hand the learned counsel for the respondent contended that since the respondent is unemployed and having no source of income, she finds it difficult to travel from Perambalur to Trichy for each and every hearing. Hence he oppose the petition.

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4. However, during the course of the arguments, it was conceded by both parties that H.M.O.P.No.20 of 2016 may be transferred to any other Court nearby Perambalur. In such circumstance, considering the apprehension of the petitioner and other reasons stated by him, this Court is inclined to entertain this petition.

5. In the result, this petition is allowed. H.M.O.P.No.20 of 2016 pending on the file of the Sub Court, Perambalur, is directed to be transferred to the file of the Sub Court, Thuraiyur, for disposal. The Transferee Court is directed to expedite the trial and to dispose of the case as early as possible. Consequently, connected Civil Miscellaneous petition is closed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Judge, Perambalur.

2. The Subordinate Judge, Thuraiyur.

+1cc to Mr.M.R.SREENIVASAN, Advocate, SR. 93664

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