

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2019

Coram

THE HON'BLE MRS. JUSTICE BHAVANI SUBBAROYAN

Tr.C.M.P.No.36 of 2019

and

C.M.P.No.1318 of 2019

Amul

...Petitioner

Vs.

Murugesan

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition is filed under Section 24 of Cr.P.C., to withdraw the petition in HMOP. No.61 of 2018, on the file of the learned Sub Judge, Vendasandur, Dindugal District and transfer the same to the file of the Sub Court, Cheyyar, Thiruvannamalai District, to be tried along with HMOP. No.99 of 2018.

For Petitioner : Mr.K.G.Senthil kumar

For Respondent : Name printed - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner to withdraw the petition in HMOP. No.61 of 2018, on the file of the learned Sub Judge, Vendasandur, Dindugal District and transfer the same to the file of the Sub Court, Cheyyar, Thiruvannamalai District, to be tried along with HMOP. No.99 of 2018.

2. The respondent and the petitioner are husband and wife. The marriage between the petitioner and the respondent was solemnized on 27.03.2016 at Ellammal Temple at Cherampattu Village, Cheyyar Taluk as per Hindu rites and customs. Due to misunderstanding between the couples, they were living separately. For which, the respondent has filed a petition in H.M.O.P.No.61 of 2018 before the Sub Court, Vendasandur, Dindugal District for dissolution of marriage. Thereafter, the petitioner has filed a petition for restitution of conjugal rights in HMOP.

No.99 of 2018 before the Sub court, Cheyyar, Thiruvannamalai District. At present, the petitioner is a resident of Thiruvannamalai District. Hence, the petitioner seeks transfer of the case filed by the husband from Vendasandur to Thiruvannamalai.

3. The learned counsel for the petitioner would submit that the petitioner is living along with her aged parents at Thiruvannamalai District and she is depending upon her father for her day to day expenses. The petitioner's father is an agriculturist, who is a soul bread winner of the family. Being a lady, it will be very difficult for the petitioner to attend the Court at Vendasandur, Dindigul District for each and every hearings and also she is not in a position to travel such a long hours. Hence, the petitioner seeks transfer of the case from Vendasandur to Thiruvannamalai District.

4. This Court ordered notice on several occasions to the respondent and the same was returned as ''door locked'' and ''out of station''. However, the petitioner has not appeared in person or through his counsel before this Court. In spite of giving sufficient opportunities, the petitioner has not chosen to engage a counsel to defend his case. Hence, this Court is inclined to dispose of the matter on merits and in accordance with law.

5. Heard the learned counsel for the petitioner and perused the materials available on record. None appeared on behalf of the respondent.

6. It could be seen from the records that the petitioner and the respondent are husband and wife. There was a misunderstanding between them. Due to which, they were living separately and they have filed two different petitions at two different places.

7. On a careful perusal of the records, it is seen that both the parties have filed two different petitions in two different Courts. Considering the convenience of the petitioner, in order to avoid conflicting judgments and there is no representation on behalf of the respondent, this Court is inclined to transfer the petition filed by the husband for dissolution of marriage to the file of Sub Court, Cheyyar, Thiruvannamalai District.

8. Accordingly, the petition in HMOP. No.61 of 2018 on the file of the learned Sub Judge, Vendasandhur, Dindigul District is withdrawn and transferred the same to the file of the Sub Court, Cheyyar, Thiruvannamalai District.

9. In the result, the Transfer Civil Miscellaneous Petition

is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Judge, Sub Judge, Vendasandhur, Dindigul District.
- 2.The Judge, Sub Court, Cheyyar, Thiruvannamalai District.

+1cc to Mr.M.G.Sethil Kumar,Advocate SR.No. 95985

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A.SK(20/01/2020)