

Tr.C.M.P.No.107 of 2019
and
CMP.No.3769 of 2019

M.GOVINDARAJ, J.

This petition is listed today under the caption 'for being mentioned' at the instance of the learned counsel for the respondent.

2. When the matter is taken up for hearing today, learned counsel for the petitioner has filed a counter before this Court denying the averments contained in Tr.C.M.P.No.109 of 2019, which was allowed on 22.3.2019.

3. The respondent, in his counter dated 1.4.2019, in paragraph 5, has stated that the petitioner is suffering from chronic mental disorder. If that be the case, making the petitioner traveling 200 kms from Villupuram to Vaniyambadi to attend the hearings will definitely cause physical hardship and deteriorate her health condition.

4. In view of the above, in the order passed in CMA.No.107 of 2019, dated 22.3.2019, paragraph 5 of the order shall be substituted as follows;

'Considering the fact that the petitioner is

suffering from chronic mental disorder and the

M.GOVINDARAJ, J.

msr

petitioner travelling 200 Kilometres from Villupuram to Vaniyambadi to attend the hearings will cause physical hardship and deteriorate her health condition, this Court is inclined to transfer the petition filed by the respondent/husband in HMOP.No.42 of 2018 from Subordinate Court Vaniyambadi to Family Court, Villupuram to be tried along with the petition filed by the petitioner wife in HMOP. No.135 of 2018 pending before the Family Court, Villupuram.'

5. Except the above correction, the earlier order shall stand unaltered.

6. Registry is directed to issue order copy afresh after making necessary corrections as stated above

WEB COPY

02.04.2019

msr

Tr.C.M.P.No.107 of 2019
and

CMP.No.3769 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.M.A.No.107 of 2019 &
CMP.No.3769 of 2019

Jayapriya .. Petitioner

-vs-

E.Mohan Kumar .. Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 24 of CPC seeking to withdraw the HMOP.No.42 of 2018 pending before Subordinate Judge at Vaniyampadi and transfer the same to the Family Court or any other Court at Villupuram to be tried along with HMOP.No.135 of 2018 on the file of Family Court, Villupuram according to law.

For Petitioner : Mr.Balasubramaniam

For Respondent : Mr.T.Shanmugam

JUDGMENT

This Civil Miscellaneous Petition is filed by the petitioner/wife seeking to withdraw the HMOP.No.42 of 2018 pending before Subordinate Judge at Vaniyampadi and transfer the same to the Family

Court or any other Court at Villupuram to be tried along with HMOP.No.135 of 2018 on the file of Family Court, Villupuram.

2. The respondent husband has filed a petition in HMOP.No.42 of 2018 before the Subordinate Judge, Vaniyampadi for dissolving the marriage performed between the petitioner wife and the respondent husband on the ground of cruelty, chronic mental disorder psychiatric and paranoid behaviour, whereas the petitioner wife had filed a petition for Restitution of Conjugal Rights before the Family Court, Villupuram in HMOP.No.135 of 2018.

3. Now the petitioner wife seeks transfer of the petition filed by the husband before the Subordinate Judge, Vaniyampadi to Family Court, Villupuram on the ground of physical and mental hardship.

4. According to the petitioner wife, she is unable to travel 200 kilometres from Villupuram to Vaniyambadi to attend the hearings and it is difficult for her to travel such a long distance.

5. Considering the physical hardship and safety of the petitioner, this Court is inclined to transfer the petition filed by the respondent/ husband in HMOP.No.42 of 2018 from Subordinate Court, Vaniyampadi to Family Court, Villupuram to be tried along with the

petition filed by the petitioner wife in HMOP.No.135 of 2018 pending before the Family Court, Villupuram.

6. Accordingly, HMOP.No.42 of 2018, pending on the file of Subordinate Court Vaniyambadi is withdrawn and transferred to Family Court, Villupuram to be tried along with HMOP.No.135 of 2018 pending on the file of the same Court.

7. Accordingly, this Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, the connected CMP.No.3769 of 2019 is closed.

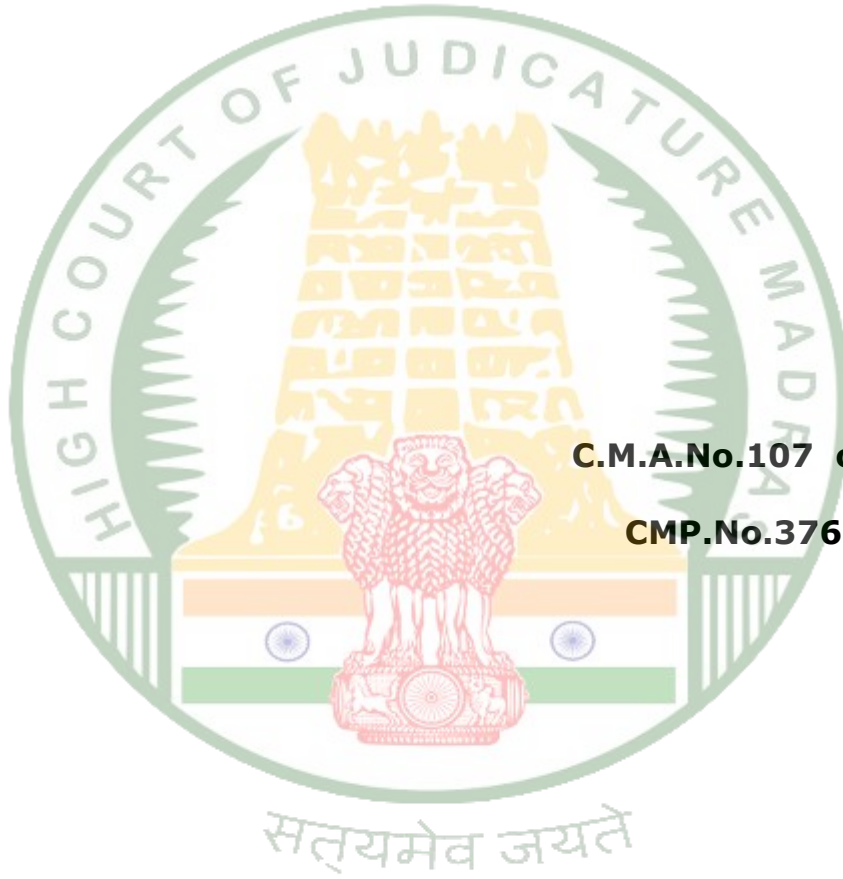
msr
Index:Yes/No
Internet:Yes/No

22.3.2019

सत्यमेव जयते
WEB COPY

M.GOVINDARAJ, J.

msr



**C.M.A.No.107 of 2019 &
CMP.No.3769 of 2019**

WEB COPY

22.3.2019