

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.67 of 2019

and

C.M.P.No.2656 of 2019

C.J.Arul Selvi

... Petitioner/Respondent

Vs.

Annamalai

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Civil Procedure Code, to withdraw the H.M.O.P.No.50 of 2018 on the file of the Sub-Court, Palacode, Dharmapuri District and transfer the same to the file of the Sub-Court, Ponneri, Thiruvallur District.

For Petitioner : Mr.G.Mutharasu

For Respondent : Mr.D.Ramesh Kumar

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking for transfer of H.M.O.P.No.50 of 2018 pending on the file of the Sub-Court, Palacode, Dharmapuri District, to the file of the Sub-Court, Ponneri, Thiruvallur District.

2. It is stated in the affidavit filed in support of this petition that the petitioner had married the respondent on 27.01.2011 and out of the wedlock, a male child was born on 01.05.2013. Thereafter, the respondent started causing some problems and separated from the petitioner. After the several attempts made by the petitioner for reunion, the respondent rejoined the matrimony in 2015. But again he started harassing, and send out the petitioner from the matrimonial home. However, he again rejoined the matrimony in 2016 after the several attempts of the petitioner.

3. It is also stated in the affidavit that the respondent resigned his job in the year 2016 and started a hotel, but he did not maintain it properly, therefore, he incurred a huge loss. Thereafter, the petitioner only compensated the loss by paying him Rs.40,000/- every month by getting the same from

her parents and she only satisfied all his needs, but he again continued to harass the petitioner, therefore, the petitioner separated from him. Subsequently, he filed a petition for Restitution of Conjugal Rights in H.M.O.P.No.50 of 2018 before the Sub-Court, Palacode in Dharmapuri District and the same is pending. Since the petitioner is having a five years male child, she could not travel to Palacode which is about 310 kms from Chennai to attend the hearing in H.M.O.P.No.50 of 2018 by taking the child, therefore, she seeks transfer of the HMOP from the file of the Sub-Court, Palacode, Dharmapuri, to the file of the Sub-Court, Ponneri, Thiruvallur.

4. The learned counsel appearing for the respondent though expressed his difficulty in transferring the H.M.O.P.No.50 of 2018 from the file of the Sub-Court, Palacode, Dharmapuri, considering the averments made in the affidavit filed in support of this petition, this Court feels it would be appropriate to withdraw H.M.O.P.No.50 of 2018 pending on the file of the Sub-Court, Palacode, Dharmapuri and transfer the same to the file of the Sub-Court, Ponneri, Thiruvallur.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the H.M.O.P.No.50 of 2018 pending on the file of the Sub-Court, Palacode, Dharmapuri, is withdrawn and transferred to the file of the Sub-Court, Ponneri, Thiruvallur. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

raja

To

1. The Presiding Officer,
Sub-Court, Palacode,
Dharmapuri.
2. The Presiding Officer,
Sub-Court, Ponneri,
Thiruvallur.

+1cc to Mr.D.Ramesh Kumar, Advocate SR.No.86367

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SVI (CO)
GMY (06/12/2019)