

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2019

CORAM

THE HON'BLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

Tr.C.M.P.No.124 of 2019

and

C.M.P.No.4189 of 2019

Mekala ... Petitioner/Respondent

Vs.

Ramkumar ... Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of CPC is filed under Section 24 of the Code of Civil Procedure to withdraw H.M.O.P.N.211 of 2017 pending on the file of the learned Subordinate Judge, Thanjavur and transfer the same to the learned Subordinate Judge, Hosur.

For Petitioner : Mr.D. Ramesh Kumar

For Respondent : Mr.B. Praveen
No appearance

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking for transfer of H.M.O.P.N.211 of 2017 pending on the file of the learned Subordinate Judge, Thanjavur to the file of the learned Subordinate Judge, Hosur.

2.It is the case of the petitioner that the marriage between the petitioner and the respondent was solemnized on 21.08.2012 at Sahayamadha Thirumana Mahal, Thiruviyaru, Thanjavur District, according to Hindu Rites and Customs. Out of wedlock, they have one child. Thereafter, the respondent had filed H.M.O.P.No.211 of 2017 on the file of the learned Subordinate Judge, Thanjavur, under Section 13(1)(ia) (iii) of the Hindu Marriage Act for dissolution of marriage for the reason that the petitioner/wife was sleeping till 09.00a.m. in the morning and not doing any household work and further she was not taking care of the respondent and her child, when he met with an accident. It is the further of the petitioner that the respondent and his parents had given her only hotel food and forcing to starve on several occasions and demanded rent of R.1,500/- per month for her stay in the ground floor of the respondent's house. When the mother-in-law go for work, the petitioner was doing all the household

work and the father-in-law used to shout the petitioner in filthy language and ill treated her. Further, the respondent used to close his shop around 10.00 p.m. and objected to put any light on and forced to sit in the dark and made the petitioner to stay alone in the ground floor but, the respondent will stay along with his parents.

3.The respondent/husband has filed his counter stating that the petitioner/wife is lethargic and lazy and was not taking proper care of the household work and the new born baby. In spite of his parents and relatives advising her, she has not changed her attitude. Hence, the respondent has filed a petition for dissolution of marriage. On 29.12.2017, the respondent has met with an accident at Mannargudi. Due to accident, his right knee and right lower limb was fractured and nearly 17 screws, plate and rods have been placed inside the legs. Since the entire movement has been restricted the respondent is unable to walk out without help of others.

4.From a perusal of the records, it is seen that the respondent/husband has filed HMOP alleging that his wife has not taken care of him and the new born baby. But, it is seen that after filing of the HMOP for dissolution of marriage on 28.08.2017 only the accident has occurred on 29.12.2017. The respondent has got fracture and he cannot travel from Thanjavur to Hosur. But, the petitioner and her parents are residing at Hosur and the Court is far away from her residence. Further, she has to take care of her child and her aged parents. Based on the orders of this Court, the convenience of the wife has to be taken into account and accordingly, the wife who is living at Hosur, will not be in a better position to travel from Hosur to Thanjavur.

5.In view of the above, this Court is inclined to transfer the matter pending before the Sub Court, Thanjavur, in H.M.O.P.No.211 of 2017 immediately to the Sub Court, Hosur.

Accordingly, this Transfer Civil Miscellaneous Petition is allowed and H.M.O.P.No.211 of 2017 pending on the file of the Sub Court, Thanjavur, is withdrawn and transferred to the file of the Sub Court, Hosur. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

To

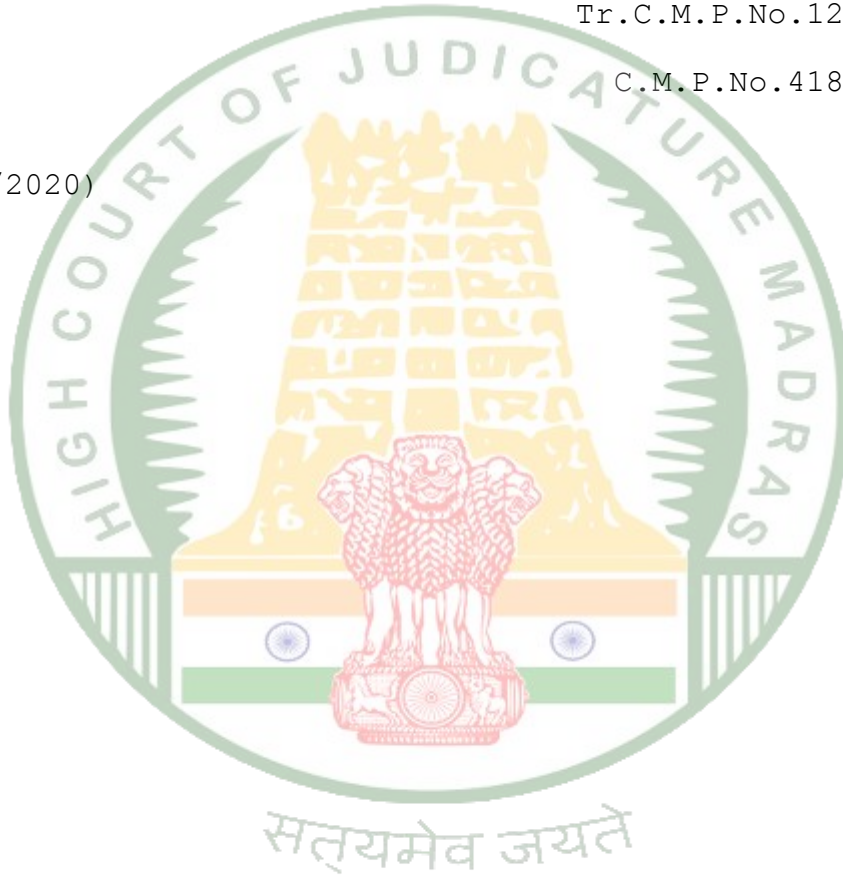
1.The Subordinate Judge,
Thanjavur.

2.The Subordinate Judge,
Hosur.

+lcc to Mr.D. Ramesh Kumar, Advocate SR.No.91073

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MR (CO)
GMY (09/03/2020)



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