

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.142 of 2019
and C.M.P. No.4818 of 2019

V.Vimala

... Petitioner

-VS-

R.Jaishankar

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.110 of 2018 pending on the file of the Subordinate Court, Gudiyattam, Vellore District and to transfer the same to the file of the Subordinate Court, Tiruttani, Thiruvallur District.

For Petitioner : Mr.V.Manohar

For Respondent : Mr.K.A.Ravindran

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.110 of 2018 pending on the file of the Subordinate Court, Gudiyattam, Vellore District to the file of the Subordinate Court, Tiruttani, Thiruvallur District.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 01.02.2017 at Sholingar Road, VMG Muniyammal Thirumana Mandabam, Thiruthani, as per Hindu Rites and Customs. In support of the prayer, learned counsel appearing for the petitioner pleaded that after the marriage, the petitioner came to know that the respondent was affected with renal problem. Due to the same, he is unable to lead normal life and he suddenly discarded the petitioner and made cruel assault on her and driven the petitioner from the matrimonial home. While so, the respondent filed the H.M.O.P. No.110 of 2018 before the Subordinate Court, Gudiyattam seeking for dissolution of marriage with false and frivolous allegations against the petitioner.

3.Learned counsel appearing for the petitioner would further submit that as the petitioner is residing with her parents at Tiruttani, it is difficult to undertake long journey from Tiruttani to Gudiyattam, which is about 80 kms.

4.Reiterating the counter affidavit filed by the respondent, learned counsel appearing for the respondent would submit that since the respondent underwent kidney transplantation, he was not in a position to travel often to Tiruttani to attend the hearings.

5.It is seen that the respondent has underwent kidney transplantation, for which he has been taking medical treatment regularly and the petitioner came along with some rowdy elements, threatened the respondent and has taken all her articles, jewellery etc. from the house of the respondent that shows the petitioner is not willing to live with the respondent and she also left the matrimonial home. Therefore, the respondent was constrained to file the above petition in H.M.O.P. No.110 of 2018 for divorce under Section 13(1)(1a) of the Hindu Marriage Act on the file of the Sub Court, Gudiyattam.

6.At this stage, learned counsel appearing for the petitioner would submit that all the articles, jewellery etc. were taken only with the consent of the respondent.

7.Be that as it may. Since the respondent has undergone kidney transplantation, for which he has been taking medical treatment regularly, this Court finds that the respondent may not be in a position to undertake any long journey. Moreover, the distance from Tiruttani to Gudiyattam is only about 80 kms. As this Court finds no merit in the petition, the Tr.C.M.P. is dismissed. No costs. Consequently, C.M.P. No.4818 of 2019 is closed.

vga

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1.The Subordinate Court,
Gudiyattam, Vellore District.

2.The Subordinate Court,
Tiruttani, Thiruvallur District.

+1cc to Mr.K.A.Ravindran, Advocate, SR.No.46382

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Kak (27/07/2019)