

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 13.09.2019
CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.225 of 2019

S.Mahalakshmi

..Petitioner/ Respondent

Vs.

N.Karthikeyan

...Respondent/Petitioner

Prayer: The Transfer Civil Miscellaneous Petition is filed under Section 24 of Civil Procedure Code, to withdraw HMOP. No.74 of 2018 on the file of the Sub Judge, Ambasamudram and to be transfer the same to the V Additional Family Court, Chennai.

For Petitioner : Mr.T.Arul
For Respondent : Notice not ready

O R D E R

This petition has been filed for withdrawing HMOP. No.74 of 2018, on the file of the Sub Judge, Ambasamudram and to be transferred the same to the V Additional Family Court, Chennai.

2. The case of the petitioner is that the marriage between the petitioner and the respondent was solemnized on 03.09.2017 at Mukkudal Sri Ramasamy Thirukovil, Ambasamudram, Tirunelveli as per Hindu Rites and customs. Due to misunderstanding, the petitioner and the respondent could not lead a peaceful life. After marriage, the respondent and his mother demanded dowry and harassing the petitioner. Subsequently, the petitioner and the respondent were set up a separate house at Valasaravakkam, Chennai. Thereafter, the respondent sent out the petitioner and vacated the house and left to his native place Ambasamudram. Subsequently, the respondent filed a petition in DVC. No.128 of 2018, before the Additional Mahila Court, Egmore, Chennai. The petitioner has filed a petition for divorce in HMOP. No.4481 of 2018, before the V Additional Family Court, Chennai. Thereafter, the respondent filed a petition in HMOP. No.74 of 2018 on the file of the Sub Judge, Ambasamudram, for restitution of conjugal rights.

3. The learned counsel for the petitioner would submit that now the petitioner is living with her mother at Chennai and she have to travel nearly 690 kms. from Chennai to Ambasamudram to attend the Court proceedings. The petitioner's mother is a heart patient and she is not able to accompany with her. Hence, the learned counsel seeks to withdraw HMOP. No.74 of 2018 on the file of the Sub Judge, Ambasamudram, to the file of the V Additional Family Court, Chennai.

4. Court notice sent to the respondent has been returned as 'refused' and private notice sent by the petitioner has also been returned with a postal endorsement as 'unclaimed'. The respondent did not appear either in person or through his counsel.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. Considering the facts and circumstance of the case, this Court is inclined to withdraw HMOP. No.74 of 2018 on the file of the Sub Judge, Ambasamudram and to be transferred the same to the V Additional Family Court, Chennai.

7. Accordingly, this petition is allowed. The Original Order in HMOP. No.74 of 2018, on the file of the Sub Judge, Ambasamudram is withdrawn and the same to be transferred to the V Additional Family Court, Chennai. No Costs. Consequently, the connected miscellaneous petition is closed

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Judge, Ambasamudram.
2. The Judge, V Additional Family Court, Chennai.

+1cc to Mr.T.Arul , Advocate SR.No. 78888

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A.SK(15/11/2019)