

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.199 of 2019
and C.M.P.No.6119 of 2019

Roja		... Petitioner
	Vs.	
Ranganathan		... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw H.M.O.P.No.4 of 2019, on the file of the Sub-Court, Athur, and to transfer the same to the file of the Sub-Court, Rasipuram.

For Petitioner : Mr.V.Perumal
For Respondent : No Appearance

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.4 of 2019, pending on the file of the Sub-Court, Athur, and to transfer the same to the file of the Sub-Court, Rasipuram. Although a notice through Court as well as privately was served on the respondent/husband on 25.03.2019, he has not responded to the same.

2. The petitioner is the wife and the respondent is the husband. The above said H.M.O.P.No.4 of 2019 was filed by the respondent/husband seeking for divorce on the ground of cruelty.

3. Learned counsel for the petitioner / wife submitted that after the marriage solemnized on 01.11.2017 between her and the respondent, they were living happily in the matrimonial home. However, after a period of one year, it is alleged, the respondent/husband started having illicit intimacy with his elder brother's wife and subsequently, the respondent, by demanding dowry, beaten the petitioner several times and she sustained injuries. Thereafter, she was admitted in the Government Hospital, Athur, and for better treatment, she was referred to Mogan Kumaran Mangalam Government Hospital, Salem. It is further submitted that the petitioner/wife had also lodged a compliant on 19.01.2018 before the All Women Police Station, Athur, against the respondent/husband. (*) **In the meanwhile, the respondent/husband filed the above said H.M.O.P.No.4 of 2019 on the file of the Sub-Court, Athur.**

4. It is further stated that the D.V.C.No.2 of 2019 filed by the petitioner/wife is also pending before the learned Judicial Magistrate, Rasipuram, therefore, if the above said H.M.O.P.No.4 of 2019 is transferred to the file of Sub-Court, Rasipuram, the respondent/husband would not be prejudiced.

5. As stated above, although a notice was served on the respondent/husband through Court as well as privately, he has not chosen to appear before this Court and therefore, such an attitude of the respondent clearly shows that he has no objection in transferring the above said H.M.O.P.No.4 of 2019 to the file of the Sub-Court, Rasipuram. Accordingly, H.M.O.P.No.4 of 2019 is withdrawn from the file of the Sub-Court, Athur, and consequently, transferred to the file of the Sub-Court, Rasipuram. Learned Subordinate Judge, Rasipuram is directed to dispose of the same in the manner known to law as expeditiously as possible. Learned Judicial Magistrate, Rasipuram is also directed to dispose of the D.V.C.No.2 of 2019 in the manner known to law as expeditiously as possible."

6. With the above direction, the present Transfer Civil Miscellaneous Petition is allowed. Consequently, connected C.M.P.No.199 of 2019 is closed.

Sd/-

Assistant Registrar

(*) Corrected as per order dated
16/10/2019 in Tr.CMP.No.199 of 2019

//True Copy//

Sub Assistant Registrar

To

**To be substituted for the order already
despatched on 14/08/2019**

1. The Subordinate Judge, Athur.
2. The Subordinate Judge, Rasipuram.

+1 cc to M/s.V.Perumal, Advocate Sr.No.86223

AKM/22.10.19/2P-4C/

Tr.C.M.P.No.199 of 2019
and C.M.P.No.6119 of 2019