

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.265 of 2019

and

C.M.P.No.7621 of 2019

1.M.V.Sekar

2.Shanthi Sekar

3.S.Deepalakshmi

... Petitioners

Vs.

V.Radhakrishnan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw O.S.No.80 of 2018 pending on the file of the Additional District and Sessions Court, F.T.C.-II, Salem, and transfer the same to the Principal District and Sessions Court, Tiruvannamalai.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.P.Sathish

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw O.S.No.80 of 2018 pending on the file of the Additional District and Sessions Court, F.T.C.-II, Salem, and consequently, to transfer the same to the file of the Principal District and Sessions Court, Tiruvannamalai.

2. It is averred in the affidavit filed in support of the petition that the third petitioner herein had married one Mr.Muralidharan, son of the respondent herein, on 06.03.2016. The petitioners 1 and 2 herein are the parents of the third petitioner.

3. Learned counsel for the petitioners submitted that earlier, the third petitioner's husband filed H.M.O.P.No.80 of 2017 on the file of the Sub-Court, Athur, seeking restitution of conjugal rights. Simultaneously, the wife / the third petitioner herein also filed H.M.O.P.No.184 of 2017, before the Sub-Court, Tiruvannamalai and she has also filed M.C.No.06 of 2017 before the Judicial Magistrate-II, Tiruvannamalai.

However, as she was not able to travel for a long distance i.e. from Tiruvannamalai to Athur, she had filed Tr.C.M.P.No.1022 of 2017, whereby, this Court, vide order dated 24.07.2018, ordered for transfer of H.M.O.P.No.80 of 2017 filed by the husband to the file of Sub-Court, Tiruvannamalai. It is also further stated that one another case filed by her in D.V.C.No.2 of 2018 is also pending on the file of the Judicial Magistrate-I, Tiruvannamalai. However, pending all these proceedings, the respondent herein, father of the third petitioner's husband, filed a suit in O.S.No.80 of 2018 before the Additional District and Sessions Court, FTC-II, Salem, seeking for damages to the tune of Rs.11,00,000/-. Therefore, as the H.M.O.Ps. filed by the husband and wife are pending in Tiruvannamalai District, for the convenience of the parties, the above said suit filed by the respondent pending before the Additional District and Sessions Court, FTC-II, Salem, may also be transferred.

4. In view of the above, considering the fact that H.M.O.P.No.80 of 2017 filed by the husband/son of the respondent herein seeking restitution of conjugal rights as well as the H.M.O.P.No.187 of 2017 filed by the wife seeking for divorce are pending before the Sub-Court, Tiruvannamalai, and also considering the fact that the M.C.No.6 of 2017 as well as D.V.C.No.2 of 2018 filed by the wife are pending before the Judicial Magistrate-II, Tiruvannamalai, this Court deems it fit to transfer the O.S.No.80 of 2018 filed by respondent, father of the third respondent's husband, from the file of the Additional District and Sessions Court, F.T.C.-II, Salem, to the file of the Principal District and Sessions Court, Tiruvannamalai.

5. Accordingly, O.S.No.80 of 2018 is withdrawn from the file of the Additional District and Sessions Court, F.T.C.-II, Salem, and consequently, transferred to the file of the Principal District and Sessions Court, Tiruvannamalai. On such transfer, the Principal District and Sessions Court, Tiruvannamalai, shall dispose of the same 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.7621 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. Additional District and Sessions Court,
F.T.C.-II, Salem.

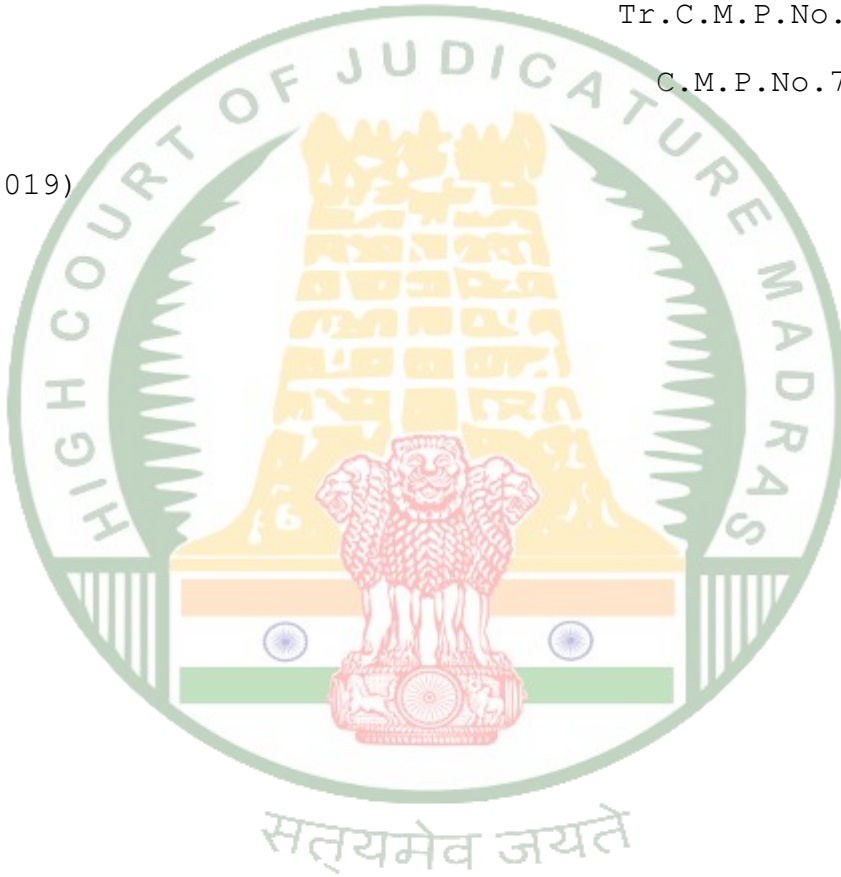
2. Principal District and Sessions Court, Tiruvannamalai.

+1cc to Mr. P.Sathish, Advocate, S.R.No. 45208

+1cc to Mr. B.Jawahar, Advocate, S.R.No. 45277

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and
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BP (CO)
GN(08/07/2019)



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