

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE **T.RAJA**

Tr. C.M.P. No.220 of 2019
and C.M.P. No.6592 of 2019

Ahalya

... Petitioner

-vs-

S.Rajesh

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.863 of 2018 pending on the file of the Subordinate Court, Tambaram and transfer the same to the file of the Subordinate Court, Attur to be tried jointly along with H.M.O.P. No.23 of 2019 pending on the file of the Subordinate Court, Attur.

For Petitioner : Mr.L.Mouli

For Respondent : No appearance

ORDER

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.863 of 2018 pending on the file of the Subordinate Court, Tambaram to the file of the Subordinate Court, Attur to be tried along with H.M.O.P. No.23 of 2019 pending on the file of the Subordinate Court, Attur.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 01.11.2017 at Shri Rani Mahal, Kovilambakkam, Chennai, as per Hindu Rites and Customs. In support of the prayer, learned counsel appearing for the petitioner pleaded that from the next day of marriage, the respondent and his family members started ill treating the petitioner by demanding dowry. Thereafter, she was thrown out of matrimonial house by the respondent and his family members.

3.According to the learned counsel appearing for the petitioner, on 09.05.2018, the petitioner lodged a complaint before the All Women Police Station, Attur seeking re-union, but the respondent did not turn up for enquiry in spite of several summons issued by the police and in this regard, the petitioner filed a petition for maintenance in M.C. No.21 of 2018 before the Judicial Magistrate, Attur and also a petition under Domestic Violence Act in D.V.O.P. No.3 of 2008 before the Judicial Magistrate No.I, Attur and the same is pending. While so, the respondent filed the H.M.O.P. No.863 of 2018 before the Subordinate Court, Tambaram seeking divorce with false and frivolous allegations against the petitioner. In order to lead the matrimonial life peacefully, the petitioner filed H.M.O.P. No.23 of 2019 before the

Subordinate Court, Attur seeking for restitution of conjugal rights. Learned counsel appearing for the petitioner would further submit that as the petitioner was residing at Attur along with her aged parents, she was unable to travel alone to Tambaram. Therefore, if the H.M.O.P. No.863 of 2018 is transferred to the Subordinate Court, Attur, no prejudice will be caused to the respondent.

4.As per the records maintained by the registry, notice was served on the respondent on 03.04.2019 and private notice has also been taken with the leave of the Court, but none appeared on behalf of the respondent.

5.Taking note of the fact that the petition in H.M.O.P. No.23 of 2019 seeking for restitution of conjugal rights, filed by the petitioner was pending before the Subordinate Court, Attur and although notice has been served on the respondent, no one appeared on his behalf, which shows that the respondent has no objection in allowing the petition, this Court is inclined to transfer the H.M.O.P. No.863 of 2018 pending before the Subordinate Court, Tambaram to the file of the Subordinate Court, Attur. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.863 of 2018 pending before the Subordinate Court,

T.RAJA,J.

vga

Tambaram is withdrawn and transferred to the file of the Subordinate Court, Attur to be tried along with the H.M.O.P. No.23 of 2019.

6.The Subordinate Court, Attur is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.6592 of 2019 is closed.

07.06.2019

Index : Yes/No
vga

To

1.The Subordinate Court, Tambaram.

2.The Subordinate Court, Attur.

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and C.M.P. No.6592 of 2019