

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2019

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.208 of 2019
and C.M.P.No.6320 of 2019

S.Sulochana

..Petitioner

versus

Mukainath Sairam

..Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.195 of 2017 pending on the file of the learned Subordinate Judge, Sivakasi and transfer the same to the file of the learned Subordinate Judge, Poonamallee.

For Petitioner : Mr.H.Rajasekar

For Respondent : No Appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed under Section 24 of the Code of Civil Procedure, to withdraw H.M.O.P.No.195 of 2015 pending on the file of the learned Subordinate Judge, Sivakasi and transfer the same to the file of the learned Subordinate Judge, Poonamallee.

2. The petitioner is the wife and respondent is the husband. The marriage between the petitioner and respondent was solemnized on 26.02.2007 at Srinivasa Perumal Kovil Mahal, Vettilaiyurani Village, Virudhunagar, as per Hindu rites and customs and on 03.06.2008, they were blessed with a male child. Due to difference of opinion arose between them, the petitioner left the matrimonial home and residing along with her parents at Chennai.

3. After leaving the matrimonial home by the petitioner, the respondent has filed a petition in H.M.O.P.No.195 of 2017 under Section 13(1)(i) and 13(1)(i-a) of the Hindu Marriage Act, 1955, before the Sub Court, Sivakasi, for annulling the marriage happened between them on 26.02.2007. After knowing the particulars of the above case, the petitioner has filed a petition seeking maintenance against the respondent

in M.C.No.6 of 2019 under Section 25 of Cr.P.C., before the learned Judicial Magistrate No.II, Poonamallee.

4. The learned counsel for the petitioner submitted that the petitioner and her child, who is studying 7th Standard, are residing at Chennai with her brother and it is very difficult for her to travel from Chennai to Sivakasi to attend the Court proceedings at Sivakasi. Further, she is depending on her brother for her day-to-day needs without any independent income. In any event, the respondent has to appear before the learned Judicial Magistrate No.II, Poonamallee in M.C.No.6 of 2019, no prejudice would be caused if H.M.O.P.No.195 of 2017 is transferred to the file of the Sub Court, Poonamallee.

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

6. This Court had issued notice to the respondent and the same was served as early as on 23.03.2019 and the petitioner has also served private notice on the respondent on 16.03.2019 and filed proof of service. Though Court notice and private notice were served on the respondent and his name is printed in the cause list, there is no representation on behalf of him either in person or through counsel. Hence, the attitude of the respondent would show that he is not having any objection for allowing this petition.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. The petition in H.M.O.P.No.195 of 2017 is ordered to be withdrawn from the file of the Sub Court, Sivakasi and transferred to the file of the Sub Court, Poonamallee. The Subordinate Judge, Sivakasi, is directed to transmit all the records pertaining to H.M.O.P.No.195 of 2017 to the file of the Sub Court, Poonamallee, within a period of two weeks from the date of receipt of a copy of this order. On receipt of records, the learned Subordinate Judge, Poonamallee, is directed to take up the matter and dispose of the same, on merits as expeditiously as possible. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

sri

To

1.The Subordinate Judge,
Sivakasi.

2.The Subordinate Judge,
Poonamallee.

+lcc to Mr.H.Rajasekar, Advocate, S.R.No.51365

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VP (CO)

RRS (23/07/2019)



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