

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.256 of 2019
and C.M.P. No.7541 of 2019

Sathya

... Petitioner

-vs-

S.Kiruphakaran

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.119 of 2018 on the file of the Subordinate Court, Udumalpet and to transfer the same to be tried along with Subordinate Court, Hosur in H.M.O.P. No.41 of 2019.

For Petitioner : Mr.C.Prabakaran

For Respondent : No appearance

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.119 of 2018 pending on the file of the Subordinate Court, Udumalpet to the file of the Subordinate Court, Hosur to be tried along with H.M.O.P. No.41 of 2019 pending on the file of the Subordinate Court, Hosur.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 23.01.2013 at Rasi Thirumana Mandapam, Udumalpet, as per Hindu Rites and Customs and out of the wedlock, they got a female child, namely Prajna on 21.01.2014. In support of the prayer, learned counsel appearing for the petitioner pleaded that from the date of marriage, the petitioner has been harassed and ill-treated by the respondent and his family members. While so, the respondent filed the H.M.O.P. No.119 of 2018 before the Subordinate Court, Udumalpet seeking for the relief of 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.41 of 2019 before the Subordinate Court, Hosur seeking for restitution of conjugal rights. Learned counsel appearing for the petitioner would further submit that as there was no other persons except the petitioner's parents to support

the petitioner and to accommodate her for travelling from Hosur to Udumalpet for every hearing, she find it very difficult to attend the Court at Udumalpet, which is about 600 kms. travel from Hosur to Udumalpet. Therefore, if the H.M.O.P. No.119 of 2018 is transferred to the Subordinate Court, Hosur, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 15.04.2019 and private notice has also been taken with the leave of the Court, but none appeared on behalf of the respondent.

4.Taking note of the fact that the petition in H.M.O.P. No.41 of 2019 seeking for restitution of conjugal rights, filed by the petitioner was pending before the Subordinate Court, Hosur 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.119 of 2018 pending before the Subordinate Court, Udumalpet to the file of the Subordinate Court, Hosur. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.119 of 2018 pending on the file of the Subordinate Court, Udumalpet is withdrawn and transferred to the file of the Subordinate Court, Hosur.

5.The Subordinate Court, Hosur 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.7541 of 2019 is closed.

sd/-
Assistant Registrar

// True Copy//

सत्यमेव जयते

Sub Assistant Registrar

vga

To

1.The Subordinate Court, Udumalpet.

2.The Subordinate Court, Hosur.

+1cc to Mr.C.Prabakar, Advocate, sr.no.46033

Tr. C.M.P. No.256 of 2019
and C.M.P. No.7541 of 2019

KS (CO)

RMP (09/07/2019)