

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.242 of 2019
and C.M.P. No.7209 of 2019

Chitra

... Petitioner

-vs-

Sathish Kumar

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to transfer the H.M.O.P. No.67 of 2018 pending on the file of the Subordinate Judge, Chidambaram to the file of the Principal Sub Court, Tiruchirappalli.

For Petitioner : Mr.V.Vijay Shankar

For Respondent : Mr.V.Balamurugan

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.67 of 2018 pending on the file of the Sub Court, Chidambaram to the file of the Principal Sub Court, Tiruchirappalli.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 19.05.2016 and out of the wedlock, the petitioner gave birth to a boy child, who is now 1½ years old. Due to difference of opinion arose between themselves, the respondent filed a petition in H.M.O.P. No.67 of 2018 seeking divorce on the file of the Sub Court, Chidambaram by making false allegations against the petitioner. In order to lead a peaceful life, the petitioner filed a petition in H.M.O.P. No.334 of 2018 seeking for restitution of conjugal rights before the Principal Sub Court, Tiruchirappalli and she has also filed a case in M.C. No.45 of 2018 claiming maintenance before the Principal Sub Court, Tiruchirappalli. As the petitioner finds it difficult to undertake long journey along with her child, she has been advised to come to this Court.

Therefore, if the H.M.O.P. No.67 of 2018 is transferred to the file of the Principal Sub Court, Tiruchirappalli, no prejudice will be caused to the respondent.

3.Learned counsel appearing for the respondent sought time to file counter.

4.Taking note of the facts that the petitioner has to travel long distance along with her child and as the petitioner has filed a petition in H.M.O.P. No.334 of 2018 seeking for restitution of conjugal rights before the Principal Sub Court, Tiruchirappalli and she has also filed a case in M.C. No.45 of 2018 claiming maintenance before the said Court, the respondent has to appear before the Principal Sub Court, Tiruchirappalli, this Court is inclined to transfer the H.M.O.P. No.67 of 2018 pending before the Sub Court, Chidambaram to the file of the Principal Sub Court, Tiruchirappalli. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.67 of 2018 pending on the file of the Sub Court, Chidambaram is withdrawn and transferred to the file of the Principal Sub Court, Tiruchirappalli.

5.The learned Principal Sub Judge, Tiruchirappalli 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.7209 of 2019 is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Subordinate Judge,
Chidambaram.

2.The Principal Subordinate Judge,
Tiruchirappalli.

+1cc to Mr.V.Vijay Shankar , Advocate SR.No. 65254

+1cc to Mr.V.Balamurugan , Advocate SR.No. 65559

Tr. C.M.P. No.242 of 2019
and C.M.P. No.7209 of 2019

vsn ii A.SK(03/09/2019)