

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.241 of 2019
and C.M.P. No.7183 of 2019

Peruma @ Bharathi

... Petitioner

-Vs-

Jagadeesan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the HMOP No.87 of 2018 pending on the file of the Sub Court, Rasipuram and transfer the same to Sub Court, Uthangarai.

For Petitioner : Mr.K.Thiruvengadam

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.87 of 2018 pending on the file of the Sub Court, Rasipuram to the file of the Sub Court, Uthangarai.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 21.06.2010 at Murugan Kovil Thirumanamandabam, Kallavi Road, Uthangarai, as per Hindu Religious Rites and Customs. After birth of their son, the respondent demanded Rs.7,00,000/- to start a business. As the petitioner's parents were able to mobilise and pay some amount and the petitioner was unable to meet the demands of the respondent, the respondent filed H.M.O.P. No.87 of 2018 to dissolve the marriage with false and untenable allegations.

3.Learned counsel appearing for the petitioner would further submit that since the distance between the petitioner's village and Rasipuram is more than 145 k.m., it is difficult to attend the case at Rasipuram every hearing along with the small child. According to the learned counsel appearing for the petitioner, the petitioner has filed a petition for restitution of conjugal rights against the respondent in H.M.O.P. No.9 of 2019 on the file of the Sub Court, Uthangarai. Therefore, the petitioner is

before this Court seeking transfer of the said H.M.O.P. No.87 of 2018 pending on the file of the Sub Court, Rasipuram to the file of the Sub Court, Uthangarai.

4.Taking note of the fact that the petition in H.M.O.P. No.9 of 2019 filed by the petitioner under Section 9 of the Hindu Marriage Act 1955 seeking restitution of conjugal rights is pending before the Sub Court, Uthangarai, this Court is inclined to transfer the H.M.O.P. No.87 of 2018 pending on the file of the Sub Court, Rasipuram to the file of the Sub Court, Uthangarai. Accordingly, the Tr. C.M.P. is allowed and the HMOP. No.87 of 2018 pending on the file of the Sub Court, Rasipuram is withdrawn and transferred to the file of the Sub Court, Uthangarai.

5.The Subordinate Judge, Uthangarai 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.7183 of 2019 is closed.

vga

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

To

1.The Sub Court,
Rasipuram.

2.The Sub Court,
Uthangarai.

+1cc to Mr.K.Thiruvengadam, Advocate, SR.No.45864

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Kak (23/07/2019)