

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.271 of 2019

Kanimozhi

W/o Selvakumar

... Petitioner/Respondent

-vs-

Selvakumar

S/o Venkatachalam

... Respondent/Petitioner

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw and transfer the divorce petition in H.M.O.P.No.61 of 2018 pending on the file of the learned Sub Court, Jayankondam, Ariyalur District to the learned Sub Court, Chidambaram, Cuddalore District.

For Petitioner :: Mr.E.Kannadasan

For Respondent :: Mr.T.Chandrasekaran for
M/s Vijaya & Anandh

ORDER

The petitioner, being the wife of the respondent, has come to this Court seeking a prayer for withdrawal of the pending H.M.O.P.No.61 of 2018 from the file of the Sub Court, Jayankondam, Ariyalur District and to transfer the same to the Sub Court, Chidambaram, Cuddalore District.

2. Learned counsel for the petitioner submitted that after the marriage was solemnized on 24.1.2011 between the petitioner and the respondent at Annai Sebha Thirumana Mandapam, Thennur Village as per the Hindu rites and customs, even on the marriage day, the respondent-husband came in a drunken mood and informed the petitioner that he was not interested in marrying her, as he is a teacher by profession and the petitioner was a school drop out. But the petitioner kept quiet and did not disclose anything to others with the hope that things would improve in future. In the meanwhile, she also became pregnant. Since the matrimonial life was not going smoothly and finally two children were born, the first male child on 21.4.2012 and the second female child on 15.1.2015 and taking note of the fact that the

male child was with the father and the female child was with the mother, this Court directed both the parties to appear in the chambers. When the matter was heard in the chambers, although the respondent was repeatedly requesting the petitioner to come and stay with him, she insisted the respondent to come and stay with her family members. As the respondent has to take care of his father and mother who have lost their vision, he justified his stand that the wife should stay in the matrimonial home and help them. It is at this stage when the petitioner-wife refused to come and stay with the respondent-husband in the matrimonial home, the matter was directed to be listed in the Court for disposal on merits.

3. After hearing the parties, this Court, having been informed that there has been a threat at the hands of the petitioner's family members for the respondent to attend the hearing before the Sub Court, Chidambaram and requested for some other place, taking note of the distance between Chidambaram and Jayankondam, which is about 45 kms., agreeing with the prayer for transfer, allows the transfer civil miscellaneous petition. Accordingly, the H.M.O.P.No.61 of 2018 is withdrawn from the file of Sub Court, Jayankondam, Ariyalur District and transferred to the Sub Court, Chidambaram for an expeditious disposal on merits and the learned Subordinate Judge, Chidambaram is directed to dispose of the case within a period of six months from the date of receipt of a copy of this order. Consequently, C.M.P.No.7717 of 2019 is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

ss

To

1. The Subordinate Judge,
Jayankondam,
Ariyalur District.

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2. The Subordinate Judge,
Chidambaram,
Cuddalore District. '

+1cc to M/s.Vijaya & Anandh, Advocate Sr.60525
+1cc to Mr.E.Kannadasan, Advocate Sr.61503

Tr.C.M.P.No.271 of 2019

rv[col]
srg 28/08/2019



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