

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.346 of 2019
and
C.M.P.No.9930 of 2019

P.Priyanka

... Petitioner

Vs.

K.Udayashankar

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw H.M.O.P.No.10 of 2019 on the file of the Sub-Court, Mettur, Salem District, and transfer the same to the file of Sub-Court at Poonamallee, Thiruvallur District.

For Petitioner : Mr.R.Krishnakumar

For Respondent : Mr.Kingsly Solomon. J.

ORDER

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.10 of 2019 pending on the file of the Sub-Court, Mettur, Salem District, and to transfer the same to the file of the Sub-Court at Poonamallee, Thiruvallur District.

2. The petitioner is the wife and the respondent is the husband. The above said H.M.O.P.No.10 of 2019 was filed by the respondent/husband on the file of the Sub-Court, Mettur, seeking restitution of conjugal rights, and the petitioner/wife also filed H.M.O.P.No.88 of 2019 on the file of the Sub-Court, Poonamallee, seeking for dissolution of marriage.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and respondent was solemnized on 16.09.2015 at Dharma Sastha Shree Iyyappan Thirukovil, Mettur, Salem District. After the marriage, she

came to know that the respondent/husband is an alcohol addict and he was also unwilling to go for any job. In view of addiction of alcohol, the respondent/husband used to behave violently and he has beaten her on several occasions and therefore, in view of such physical and mental harassment, the petitioner/wife filed H.M.O.P.No.88 of 2019 before the Sub-Court, Poonamallee, seeking for dissolution of marriage. On the other hand, the respondent/husband also filed H.M.O.P.No.10 of 2019 on the file of the Sub-Court, Mettur, seeking for restitution of conjugal rights

4. It is also submitted that since the petitioner/wife is having one year old child, she is unable to travel from Chennai to Mettur, which is about 360 k.m., therefore, she has prayed for transferring the H.M.O.P.No.10 of 2019 filed by her husband from the file of Sub-Court, Mettur, to the file of Sub-Court, Poonamallee.

5. Learned counsel for the respondent/husband submitted that instead of transferring the above said HMOP filed by the husband from Mettur to Poonamallee, it can be transferred to Family Court, Chennai. Learned counsel for the petitioner/wife stated that the Family Court, Chennai, is piled up with large number of cases and therefore, if the case is transferred to the Family Court, Chennai, the disposal of the said case will take longer time.

6. In view of the above, since the petitioner/wife is having a child aged about one year, travelling about more than 360 k.m. i.e. from Chennai to Mettur, is not feasible for her, therefore, H.M.O.P.No.10 of 2019 filed by the husband is withdrawn from the file of the Sub-Court, Mettur, Salem District, and consequently, transferred to the file of the Sub-Court, Poonamallee, Thiruvallur District. On such transfer, the learned Subordinate Judge, Poonamallee, is directed to dispose of the same in the manner known to law as expeditiously as possible.

7. With the above direction, the present Transfer Civil Miscellaneous Petition is allowed. Consequently, connected C.M.P.No.9930 of 2019 is closed.

sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

rkm

To

1. The Subordinate Judge, Mettur, Salem District.

2. The Subordinate Judge, Poonamallee, Thiruvallur District.

+1 cc to Mr.R.Krishnakumar, Advocate, S.R.No.45230

+1 cc to Mr.J.Kingsly Solomon, Advocate, S.R.No.45844

Tr.C.M.P.No.346 of 2019

and

C.M.P.No.9930 of 2019

MP (CO)
SSM(03/07/2019)



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