

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.320 of 2019
and C.M.P. No.9366 of 2019

Thanthoni @ Yashini

... Petitioner

-vs-

Dharman

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw H.M.O.P.No.3 of 2018 on the file of Subordinate Court, Cheyyar and transfer the same to the Subordinate Court, Kancheepuram to try along with HMOP.No.232/2017

For Petitioner : Mr.T. Ramkumar

For Respondent : No appearance

ORDER

Ms.Thanthoni @ Yashini, the Petitioner herein, wife of Dharman, the respondent herein, whose marriage was solemnized on 07.11.2016 at T.K.M. Manimegalai Thirumana Mandapam, Perumanallu, Vandhavasi Taluk, Tiruvannamalai District as per Hindu Rites and Customs, has come to this court, seeking withdrawal of H.M.O.P.No.3 of 2018 from the file of Subordinate Court, Cheyyar, to be transferred to the file of Subordinate Court, Kancheepuram, where the petitioner has filed a petition in HMOP No.232 of 2017 under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights.

2. The learned counsel for the petitioner submitted that the attitude of the respondent has totally changed and in view of his irritating behaviour, both the appellant and the respondent got separated. The petitioner filed a petition in H.M.O.P.No.232 of 2017 under Section 9 of the Hindu Marriage Act, 1955 before the Subordinate Court, Kancheepuram for restitution of conjugal rights. After receipt of the notice, the respondent has also filed a petition in H.M.OP.No.3 of 2018

under Section 13(1)(a) of Hindu Marriage Act before the Subordinate Court, Cheyyar for divorce, with false allegations.

3. This Court has issued notice and the same is served on the respondent on 17.07.2019. In spite of court notice along with private notice taken by the Petitioner, the respondent has not chosen to engage any counsel on his behalf or appear in person before this court which shows that he has no objection for allowing the Tr.C.M.P.

4. Taking note of the fact that the distance between Cheyyar and Kancheepuram is about 150 kms and the Petitioner has to attend each and every hearing at Cheyyar, this court has no impediment to withdraw the H.M.O.P.No.3 of 2018 pending on the file of Subordinate Court, Cheyyar and transfer the same to Subordinate Court, Kancheepuram. Moreover, the petitioner has only filed a petition in HMOP No.232 of 2017 before the Subordinate Court, Kancheepuram under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights and thereafter only, the respondent has filed a petition in HMOP No.3 of 2018 before the Subordinate Court, Cheyyar under Section 13(1)(A) of Hindu Marriage Act for divorce and therefore, it appears to be counter blast.

5. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P.No.3 of 2018 pending on the file of the Subordinate Court, Cheyyar is withdrawn and the same is transferred to the file of the learned Subordinate Court, Kancheepuram.

6. The learned Subordinate Judge, Cheyyar is directed to send the entire records in HMOP No.3 of 2018 to the Subordinate Court, Kancheepuram and the learned Subordinate Judge, Kancheepuram is directed to take up both the petitions in HMOP No.232 of 2017 and HMOP No.3 of 2018 and dispose of the same expeditiously in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

sr

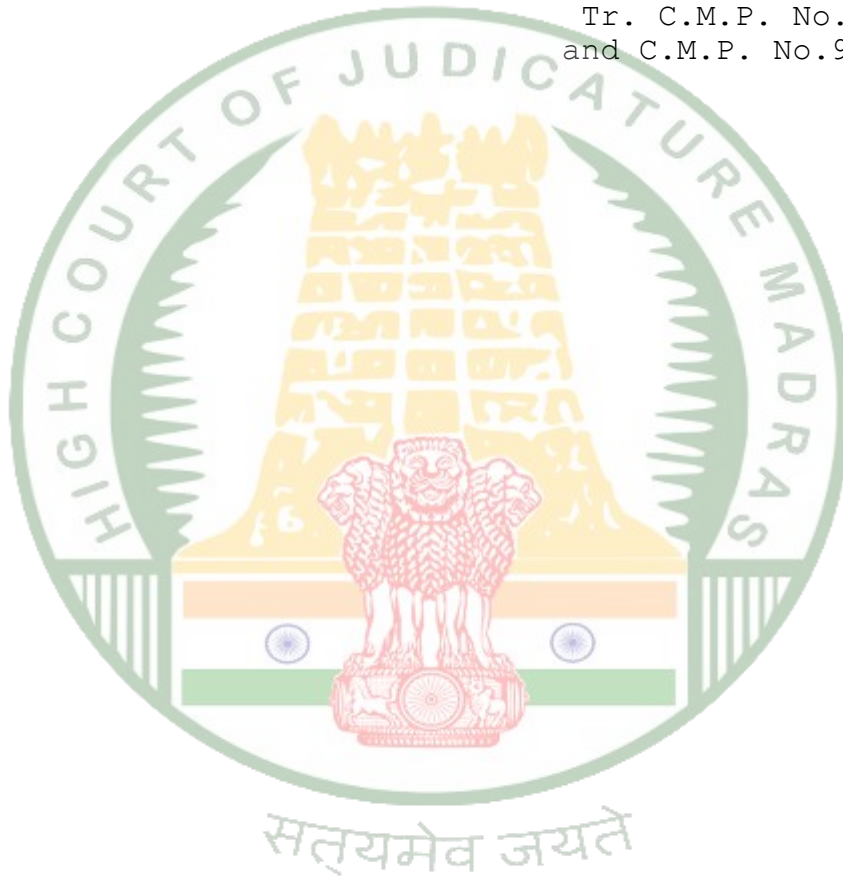
To

- 1.The Subordinate Court, Cheyyar
- 2.The Subordinate Court, Kancheepuram

+1cc to Mr.T. Ramkumar Advocate, S.R.No.67859

PVS (CO)
CB (26/09/2019)

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