

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Tr.C.M.P.No.298 of 2019
and
C.M.P.No.8680 of 2019

Karthika

... Petitioner

Vs.

A.Manikandan

... Respondent

Prayer:- Petition has been filed under Section 24 of C.P.C., praying to withdraw and transfer the case in H.M.O.P.No.152 of 2018 on the file of the Sub Court, Mettur, Salem, to the file of the Sub Court, Karur.

For Petitioner : Mr.V.Vadivel

For Respondent : Not ready in notice

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.152 of 2018, pending on the file of the learned Sub Court, Mettur, Salem, and to transfer the same to the file of the learned Sub-Court, Karur.

2. The petitioner is the wife and the respondent is the husband. The above said H.M.O.P.No.152 of 2018 was filed by the respondent/husband seeking for restitution of conjugal rights.

3. It is submitted by the learned counsel for the petitioner/wife that the marriage between the petitioner and the respondent was solemnized on 02.03.2017 and after the marriage, both of them were living together at the respondent's house. It is further submitted that the respondent/husband was a liquor addict and he used to abuse her in filthy language and had beaten her several times. Therefore, in view of such torture, she had left the matrimonial home and subsequent to that, she had filed a petition under the Domestic Violence Act in DVP No.20 of 2018 before the learned Judicial Magistrate-I, Karur, which is still pending. In the meanwhile, the

respondent/husband had also filed H.M.O.P.No.152 of 2018 before the learned Sub-Court, Mettur, Salem, seeking for restitution of conjugal rights.

4. When this Court posed a question to the learned counsel for the petitioner/husband as to whether the petitioner/wife is willing to live with the respondent/husband, it is submitted that she is not willing to live with the respondent/husband. When the petitioner/wife is not ready to live with the respondent/husband, she cannot ask for a transfer of a petition filed by her husband seeking restitution of conjugal rights. Moreover, the distance between Karur and Salem is only 100 kms. and therefore, I do not find any reason to transfer the same from the file of learned Sub-Court, Mettur, Salem, to the file of the learned Sub-Court, Karur, as this would ultimately lead to delay the proceeding in deciding the case.

5. Thus, on this score, the present Transfer Civil Miscellaneous Petition is dismissed. Consequently, connected C.M.P.No.8680 of 2019 is closed.

-s/d-

Assistant Registrar(CS-I)

True Copy

Sub-Assistant Registrar

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To

1.Sub Court, Mettur, Salem.

2.Sub-Court, Karur.

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and

C.M.P.No.8680 of 2019

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SP(23/07/2019)