

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.317 of 2019  
and C.M.P. No.9325 of 2019

Bhuvana @ Mohana

... Petitioner

-VS-

Sivagurunathan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P.No.146 of 2018 on the file of the Principal Sub Court, Madurai (Melur Camp) and transfer the same to Subordinate Court, Poonamallee.

For Petitioner : Mr.S.Silambu Selvan

For Respondent : No appearance

O R D E R

The Transfer C.M.P. has been filed to withdraw H.M.O.P.No.146 of 2018 pending on the file of the Principal Sub Court, Madurai (Melur Camp) and transfer the same to Subordinate Court, Poonamallee.

2. The Petitioner being the wife of Sivagurunathan, respondent herein, submits that their marriage was solemnised on 08.09.2005 at Avadi, Chennai. In support of the prayer, learned counsel for the petitioner pleaded that the respondent and their family members humiliated the petitioner mentally and since no issues after several years of marriage, unable to bear the torture caused by the respondent, she left the matrimonial house and filed a petition for divorce in HMOP.No.194 of 2019 before Subordinate Court, Poonamallee, and the same is still pending, On the other hand, the Respondent filed a Divorce Petition before the Principal Sub Court, Madurai (Melur Camp) in H.M.O.P.No.146 of 2018. Learned counsel appearing for the petitioner would further submit that as the petitioner has been living with her parents in Avadi, Chennai, she finds it difficult to travel 700 Kilometres for each and every hearing to

attend the case at Madurai and therefore, if the H.M.O.P.No.146 of 2018 is transferred to the Subordinate Court, Poonamallee, no prejudice will be caused to the respondent.

3. As per the records maintained by the registry, notice was served on the respondent on 11.05.2019, but the respondent has not chosen to engage any counsel or appear before this court which shows that he has no objection for transfer of H.M.O.P.No.146 of 2018 to be tried along with H.M.O.P.No.194 of 2018 filed for Divorce by the Petitioner.

4. Hence, this Court is inclined to transfer H.M.O.P.No.146 of 2018 pending on the file of the Principal Sub Court, Madurai (Melur Camp) to Subordinate Court, Poonamallee. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P.No.146 of 2018 pending on the file of Principal Sub Court, Madurai (Melur Camp) is withdrawn and transferred to the file of the Subordinate Court, Poonamallee, for joint trial along with HMOP.No.194 of 2018.

5. The Subordinate Court, Poonamallee, 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.9325 of 2019 is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Principal Sub Court,  
Madurai (Melur Camp).

2.The Subordinate Court,  
Poonamallee.

+1cc to Mr.S.Silambuselvam, Advocate, S.R.No.47074

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LN (CO)

RRS(18/07/2019)