

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.313 of 2019
and C.M.P. No.9128 of 2019

M.Sonashri

... Petitioner

-vs-

S.Rameshraja

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.1046 of 2019 from the III Additional Family Court, Chennai and to file it before the Sub Court, Poonamallee.

For Petitioner : Ms.S.Sridevi

For Respondent : No appearance

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.1046 of 2019 pending on the file of the III Additional Family Court, Chennai to the file of the Sub Court, Poonamallee.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 29.10.2018, as per Hindu rites and customs. According to the learned counsel appearing for the petitioner, unable to tolerate the cruel acts of the respondent, the petitioner left the matrimonial house and sought for maintenance under Section 125 of Cr.P.C. in M.C. No.9 of 2019 before the Judicial Magistrate Court, Poonamallee. In order to further harass the petitioner, the respondent filed a petition in H.M.O.P. No.1046 of 2019 seeking restitution of conjugal rights before the III Additional Family Court, Chennai. As the petitioner has been residing in Avadi at her parents house, it is very difficult to undertake long journey alone from Avadi to Chennai, which is hardly about 10 kms. to attend the Court proceedings and therefore, if the said H.M.O.P. No.1046 of 2019 is transferred to the file of the Sub 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 29.04.2019 and private notice taken by the counsel for the petitioner with the leave of the Court has been served on 06.06.2019, but there is no representation on his behalf either by engaging counsel or by himself.

4.Taking note of the fact that the petitioner has filed a Maintenance Case in M.C. No.9 of 2019 before the Judicial Magistrate Court, Poonamallee and although notice has been served on the respondent, no one appeared on his behalf, which shows that the respondent has no objection in allowing the petition, this Court is inclined to transfer the H.M.O.P. No.1046 of 2019 pending on the file of the III Additional Family Court, Chennai to the file of the Sub Court, Poonamallee. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.1046 of 2019 pending on the file of the III Additional Family Court, Chennai is withdrawn and transferred to the file of the Sub Court, Poonamallee.

5.The Sub Court, Poonamallee is directed to take up the case and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.9128 of 2019 is closed.

Sd/-
Deputy Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

vga

To

1.The III Additional Family Court, Chennai.

2.The Sub Court, Poonamallee.

+1 cc to M/s.S.Sridevi, Advocate, S.R.No.53292

PA(CO)
SSM(29/07/2019)

Tr. C.M.P. No.313 of 2019
and C.M.P. No.9128 of 2019

WEB COPY