

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.356 of 2019
and C.M.P. No.10231 of 2019

Kasthuri

... Petitioner

-vs-

Dinesh Mohan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw and transfer the H.M.O.P. No.73 of 2019 on the file of Subordinate Court, Tambaram to the file of Family Court, Dharmapuri.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.K.C.Karl Marx

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.73 of 2019 pending on the file of the Subordinate Court, Tambaram to the file of the Family Court, Dharmapuri.

2.Learned counsel appearing for the respondent, referring to the petition in H.M.O.P. No.73 of 2019 filed by the respondent, would submit that the petitioner is not even interested in getting married and that she has consented to marriage only due to her parent's compulsion and the respondent has waited all along patiently and took utmost steps for reunion and to lead a happy life, but, the petitioner is not interested to lead a life with the respondent. Learned counsel appearing for the respondent would further submit that the petitioner is mentally impotent due to the psychological repugnance to the sexual act and that the respondent also took steps to cure her problem by taking her to a doctor, but she refused for the same. Adding further learned counsel for the respondent would submit that at the time of filing the petition, the petitioner was working in a company, namely, Medmeme Informatics Private Limited, Chennai and she was still working. Concluding his argument, he would submit that before the Sub Court, Tambaram, the presence of both parties are not necessary except on the date of cross

examination. As the petitioner has been working in Chennai, if the request for transfer is declined, no prejudice would be caused to the petitioner.

3.Learned counsel appearing for the petitioner, producing a relieving order dated 31.05.2019, would submit that the petitioner has resigned her job from the said company.

4.This Court, considering the fact that at the time of filing the petition, the petitioner has been working in Chennai, is not inclined to entertain the petition. Accordingly, the petition is dismissed. No costs. Consequently, C.M.P. No.10231 of 2019 is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

The Subordinate Judge, Tambaram.

+1cc to Mr.C.Prabakaran, Advocate sr.73817

+1cc to Mr.K.C.Karl Marx, Advocate sr.73169

Tr. C.M.P. No.356 of 2019
and C.M.P. No.10231 of 2019

ss(co)
nr 03/10/2019