



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.344 of 2019
and C.M.P. No.9916 of 2019

Jayakodi

... Petitioner/Wife

-vs-

Suresh Mani

... Respondent/Husband

Prayer:

Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.75 of 2019 pending on the file of the Family Court, Sivagangai and transfer the same to the file of the II Additional Family Court, Chennai.

For Petitioner : Ms.Kaveri Selvam

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.75 of 2019 pending on the file of the Family Court, Sivagangai to the file of the II Additional Family Court, Chennai.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 19.05.2016, 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.527 of 2018 before the II Additional Family Court, Chennai. In order to further harass the petitioner, the respondent filed a petition in H.M.O.P. No.75 of 2019 seeking restitution of conjugal rights before the Family Court, Sivagangai. As the petitioner has been residing in Anna Nagar, Chennai at her parents house, it is very difficult to undertake long journey alone from Chennai to Sivagangai, which is hardly about 450 kms. to attend the Court proceedings and therefore, if the said H.M.O.P. No.75 of 2019 is transferred



to the file of the II Additional Family Court, Chennai, no prejudice will be caused to the respondent.

3.As per the records maintained by the registry, notice was served on the respondent on 25.05.2019 and private notice taken by the counsel for the petitioner with the leave of the Court has been served on 17.06.2019, 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.527 of 2018 before the II Additional Family Court, Chennai 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.75 of 2019 pending on the file of the Family Court, Sivagangai to the file of the II Additional Family Court, Chennai. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.75 of 2019 pending on the file of the Family Court, Sivagangai is withdrawn and transferred to the file of the II Additional Family Court, Chennai.

5.The II Additional Family Court, Chennai 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.9916 of 2019 is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Family Court, Sivagangai.

2.The II Additional Family Court, Chennai.

Tr. C.M.P. No.344 of 2019
and C.M.P. No.9916 of 2019

VBA (CO)
CS/31/07/2019