

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.348 of 2019
and C.M.P. Nos.10055 & 13941 of 2019

P.Hemapiriyar

... Petitioner

-VS-

K.Udayasankar

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.698 of 2018 on the file of the Subordinate Judge, Poonamallee and transfer the same to the file of the Family Court Judge, Chengalpattu.

For Petitioner : Mr.G.Mohanakrishnan

For Respondent : Mr.S.N.A.Hussain

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.698 of 2018 pending on the file of the Subordinate Court, Poonamallee to the file of the Family Court, Chengalpattu.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 12.02.2014 at Thirumala Thirupathi Mounasamy Madam Sri Siththeewari Peedam Thirumana Mandapam, Tirumala Tirupathi as per Hindu rites and customs and out of the wedlock, they were blessed with a male child namely, Sharavanan, who is studying in L.K.G. Due to dowry harassment and other cruelties, the petitioner gave a complaint against the respondent and based on which an F.I.R. was registered for the offences under Sections 498(A) and 506(i) of I.P.C. and Section 4 of Dowry Prohibition Act in Crime No.15 of 2018 by the Inspector of Police, All women Police Station, Avadi and the same is pending. In order to further harass the petitioner, the respondent filed a petition in H.M.O.P. No.698 of 2018 under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights before the Subordinate Court, Poonamallee by making false allegations against the petitioner and the petitioner has filed a petition in H.M.O.P. No.105 of 2019 seeking divorce before the Family

Court, Chengalpattu. As the petitioner finds it difficult to undertake long journey along with the child, she has been advised to come to this Court.

3.Learned counsel appearing for the respondent would submit that since the respondent was working in Ordinance Parachute Factory, Avadi, it will be difficult for him to get frequent leave from his employment.

4.After some arguments, both the learned counsel requested this Court to transfer both the H.M.O.P. Nos.698 of 2018 and 105 of 2019 to the file of the Family Court, Chennai.

5.With the consent of both parties, both the H.M.O.P. Nos.698 of 2018 and 105 of 2019 are hereby withdrawn and transferred to the file of the Family Court, Chennai.

6.The learned Family Judge, Chennai is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. Accordingly, the Tr. C.M.P. is disposed of. No costs. Consequently, C.M.P. Nos.10055 & 13941 of 2019 are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Subordinate Judge,
Poonamallee

2.The Family Court,
Chengalpattu.

3.The Family Court,
Chennai.

+1 cc to Mr.G.Mohanakrishnan, Advocate, S.R.No.66629
+1 cc to Mr.SNA.Hussain, Advocate, S.R.No.66761

Tr. C.M.P. No.348 of 2019 and
C.M.P. Nos.10055 & 13941 of 2019

SS(CO)
SSM(09/09/2019)