



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.381 of 2019
and
C.M.P.No.10605 of 2019

Deepika

... Petitioner

Vs.

G.Suresh

... Respondent

Prayer:-

Petition has been filed under Section 24 of C.P.C., praying to withdraw H.M.O.P.No.82 of 2018 from the file of the Sub Court, Pattukottai, and to transfer the same to the Sub Court, Mayiladuthurai, Nagapattinam District.

For Petitioner : Mr.R.Shivakumar
for M/s.K.M.Vijayan Associates

For Respondent : No Appearance

O R D E R

The present Transfer Civil Miscellaneous Petition is filed to withdraw H.M.O.P.No.82 of 2018, pending on the file of the learned Sub Court, Pattukottai, and to transfer the same to the file of the learned Sub Court, Myailaduthurai. Although a notice through Court as well as privately was served on the respondent/husband on 07.06.2019, he has not responded to the same.

2. The petitioner is the wife and the respondent is the husband. The above said H.M.O.P.No.82 of 2018 was filed by the respondent/husband seeking for restitution of conjugal rights.

3. Learned counsel for the petitioner/wife submitted that the marriage between the petitioner and the respondent was solemnized on 10.09.2017 as per the Hindu's Customs and Rites. It is further stated that after the marriage, the petitioner/wife came to know the illegal relationship of the



respondent/husband with the other woman and therefore, when the same was brought to the notice of the family members of her husband, they did not take any step and on the other hand, she was faced with lot of humiliations and torture from the family members of the respondent/husband. In view of such problems faced by her, she has filed an application under the Domestic Violence Act in D.V.C.No.31 of 2018 before the learned Judicial Magistrate, Mayiladuthurai. Subsequently, only to counter the domestic violence filed by her, the respondent/husband has filed the above said H.M.O.P.No.82 of 2018 before the learned Sub Court, Pattukottai, seeking for restitution of conjugal rights. On the other hand, the petitioner/wife also filed H.M.O.P.No.39 of 2019 on the file of the learned Sub-Court, Mayiladuthurai, seeking for divorce. Therefore, it is prayed that if the case filed by the respondent/husband is transferred to the file of the learned Sub Court, Mayiladuthurai, this would benefit both the parties as both the cases can be heard together in one Court.

4. As stated above, although a notice was served on the respondent/husband on 07.06.2019 itself through Court as well as privately, he has not chosen to appear before this Court and therefore, such an attitude of the respondent clearly shows that he has no objection in transferring the above said H.M.O.P.No.82 of 2018 to the file of the learned Sub Court, Mayiladuthurai, to be tried along with the case filed by her. Accordingly, H.M.O.P.No.82 of 2018 is withdrawn from the file of the learned Sub Court, Pattukottai, and consequently, transferred to the file of the learned Sub Court, Mayiladuthurai, to be tried along with the H.M.O.P.No.39 of 2019 filed by the wife. On such transfer, the learned Sub Court, Mayiladuthurai, shall dispose of both the cases in the manner known to law as expeditiously as possible.

5. With the above direction, the present Transfer Civil Miscellaneous Petition is allowed. Consequently, connected C.M.P.No.10605 of 2019 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rkm



To

1.Sub Court, Pattukottai.

2.Sub Court, Mayiladuthurai.
Nagapattinam District.

+1cc to M/s.K.M.Vijayan Associates, Advocate, S.R.No.50231

Tr.C.M.P.No.381 of 2019
and
C.M.P.No.10605 of 2019

PM(CO)
CS/30/08/2019