

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.494 of 2019
and C.M.P. No.13731 of 2019

D.Revathi

... Petitioner

-vs-

M.Jeyaram

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw H.M.O.P. No.83 of 2017 pending before the Sub Court, Chengalpattu, Kancheepuram District and transfer the same to be tried along with H.M.O.P. No.321 of 2019 pending before the Sub Court, Tambaram.

For Petitioner : No appearance

For Respondent : Mr.K.V.Sanjeevkumar

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.83 of 2017 pending on the file of the Sub Court, Chengalpattu to the file of the Sub Court, Tambaram to be tried along with H.M.O.P. No.321 of 2019 pending before the Sub Court, Tambaram.

2. There is no representation for the petitioner in the earlier hearing and even today there is no representation on her behalf.

3. Learned counsel appearing for the respondent heavily contended that the petitioner wife has come to this Court by misusing the process of law. By producing an order dated 20.04.2017 passed by this Court in Tr.C.M.P. No.668 of 2016, learned counsel appearing for the respondent would submit that when H.M.O.P. No.184 of 2015 was filed by the respondent seeking divorce on the ground of cruelty and desertion, the petitioner has come to this Court by filing the above Tr.C.M.P. No.668 of 2016 seeking transfer of the above H.M.O.P. No.184 of 2015 from the file of the Sub Court, Aruppukottai to the file of the Sub Court, Tambaram. This Court, by order dated 20.04.2017, while

disposing of the above Tr.C.M.P., has transferred the above H.M.O.P. No.184 of 2015 from the file of the Sub Court, Aruppukottai to the file of the Sub Court, Chengalpattu. In spite of the order passed by this Court transferring the H.M.O.P. No.184 of 2015, which has been re-numbered as H.M.O.P. No.83 of 2017, the petitioner has now come to this Court with this petition with uncleaned hands seeking transfer of the above re-numbered H.M.O.P. No.83 of 2017, though the matter is ready for trial.

4.Although this Court by order dated 20.04.2017 in Tr.C.M.P. No.668 of 2016 transferred the above H.M.O.P. No.184 of 2015 to the file of the Sub Court, Chengalpattu, after re-numbering of the H.M.O.P. No.184 of 2015 as H.M.O.P. No.83 of 2017, the petitioner cannot again come to this Court with the second petition seeking transfer of the re-numbered H.M.O.P. No.83 of 2017, that too without even mentioning the above facts namely, the order dated 20.04.2017 passed by this Court in Tr.C.M.P. No.668 of 2016 filed by her and the re-numbering of the H.M.O.P. No.184 of 2015 as H.M.O.P. No.83 of 2017. Accordingly, the petition stands dismissed.

5.This Court is unable to understand as to how the petitioner can misrepresent this Court for the purpose of obtaining an order in her favour. Such a practice itself would show her bad conduct which cannot be allowed to take place. As the petitioner has come to this Court with uncleaned hands, this Court is constrained to impose costs of Rs.50,000/- to the petitioner. Accordingly, the petitioner is directed to pay the costs of Rs.50,000/- to the Tamil Nadu Juvenile Justice Fund, Ministry of Social Defence, Kellys, Chennai within a period of two weeks from the date of receipt of a copy of this order and the compliance thereof shall be reported before the learned Sub Judge, Chengalpattu, who shall verify as to the compliance of the order passed by this Court regarding the costs. No costs. Consequently, C.M.P. No.13731 of 2019 is closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

vga

To

1. The Subordinate Judge,
The Sub Court,
Chengalpattu.
2. The Subordinate Judge,
The Sub Court, Tambaram
3. The Secretary,
Tamil Nadu Juvenile Justice Fund,
Ministry of Social Defence,
Kellys, Chennai
4. Mrs.D.Revathi,
W/o.Mr.Jayaram,
Flo No.AS2, Door No.8 (Part),
Thai Sowbaghya Homes,
John Desikar Street,
MB Hospital, Nanganallur,
Alandur,
Chennai-600 061.

+1cc to Mr.K.V.Sanjeevkumar, Advocate SR.No.66999

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EV(CO)
GMY(19/09/2019)