



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.467 of 2019

S.Vinothini

.. Petitioner

-vs-

Mr.Ezhilnilavan  
S/o Phoorasamy

.. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure seeking to withdraw the H.M.O.P.No.16 of 2019 on the file of the Subordinate Judge, Vridhachalam and to transfer the same to be tried along with H.M.O.P.No.123 of 2019 on the file of the Sub Court, Tambaram.

For Petitioner :: Ms.Anto Chrisbeen Jenitha

For Respondent :: No appearance

ORDER

S.Vinothini, Wife of Mr.Ezhilnilavan, the respondent herein has filed this transfer civil miscellaneous petition for withdrawal of the pending H.M.O.P.No.16 of 2019 from the file of the learned Subordinate Judge, Vridhachalam and transfer the same to the Sub Court, Tambaram, wherein the H.M.O.P.No.123 of 2019 for restitution of conjugal rights filed by the petitioner under Section 9 of the Hindu Marriage Act is pending for common trial and disposal.

2. Learned counsel for the petitioner submitted that after the marriage was solemnized between the parties on 5.2.2018 at Savitha Palace Marriage Hall, Vridhachalam as per the Hindu rites and customs, even on the first day of marriage, the respondent started demanding dowry stating that he was employed with the Central Government enterprise BSNL as Junior Sports athlete, therefore, that should be paid back to the respondent by the petitioner. When the problem went beyond control, there was separation and finally the respondent filed H.M.O.P.No.16 of 2019 on 2.2.2019 before the learned Subordinate Judge, Vridhachalam. Without knowing the filing of the divorce petition, the petitioner also filed H.M.O.P.No.123 of 2019 on



the file of Sub Court, Tambaram seeking restitution of conjugal rights. When both the petitioner and the respondent are working at Chennai and their matrimonial home is also at No.W35D, Kambar Circle, BSNL Quarters, Anna Nagar, Chennai, it is convenient for both parties to attend the hearing before the Sub Court, Tambaram. Therefore, the H.M.O.P.No.16 of 2019 filed by the respondent for divorce may be withdrawn and transferred to the file of Sub Court, Tambaram, she pleaded.

3. Although notice has been served on the respondent on 10.7.2019, no one has entered appearance on behalf of the respondent. That shows that the respondent has no objection for allowing the transfer civil miscellaneous petition.

4. When both the petitioner and the respondent are working at Chennai, Tambaram is closer to Chennai than Vridhachalam which is far away. Therefore, the prayer of the petitioner is accepted and the H.M.O.P.No.16 of 2019 is withdrawn from the file of the Sub Court, Vridhachalam and transferred to the Sub Court at Tambaram to be tried jointly with H.M.O.P.No.123 of 2019. Accordingly, Tr.C.M.P.No.467 of 2019 stands allowed. Consequently, C.M.P.No.13182 of 2019 is closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Subordinate Judge  
Vridhachalam

2. The Subordinate Judge  
Tambaram

+2 ccs to Ms.Anto Chrisbeen Jenitha, Advocate, S.R.No.63681

Tr.C.M.P.No.467 of 2019

GP(CO)  
SSM(28/08/2019)