

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.426 of 2019  
and C.M.P. No.12128 of 2019

M.Jayanthi

... Petitioner

-vs-

S.Murali Sundar

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to order for withdrawal of H.M.O.P. No.59 of 2019 pending on the file of the Subordinate Court, Hosur and transfer the same to the file of the Principal Family Court, Chennai.

For Petitioner : Mr.N.R.Anantha Ramakrishnan

For Respondent : Mr.Deepanuday

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.59 of 2019 pending on the file of the Subordinate Court, Hosur to the file of the Principal Family Court, Chennai.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 09.06.2016 at K.K.R.Manickammal Thirumana Mahal situated at Ocheri to Arakkonam Road, Melpulam Pudhur, Panapakkam, Vellore District as per Hindu rites and customs and out of the wedlock, they were blessed with a female child namely, Yashmitha, aged 3 years. After some time, the respondent had started behaving indifferently and deviated from the family life and often used to beat the petitioner. In order to further harass the petitioner, the respondent filed a petition in H.M.O.P. No.59 of 2019 under Section 13(1)(i-a) of the Hindu Marriage Act seeking divorce on the file of the Subordinate Court, Hosur by making false allegations against the petitioner. As the petitioner finds it difficult to undertake long journey along with the child, she has been advised to come to this Court. Therefore, if the H.M.O.P. No.59 of 2019 is transferred

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

3.Learned counsel appearing for the respondent would submit that as the respondent is working in Bangalore, it will be difficult for him to get frequent leave from his employment.

4.Taking note of the fact that the petitioner, who has been residing in Chennai, has to undertake long journey along with her small child, this Court is inclined to transfer the H.M.O.P. No.59 of 2019 pending before the Subordinate Court, Hosur to the file of the Principal Family Court, Chennai. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.59 of 2019 pending on the file of the Subordinate Court, Hosur is withdrawn and transferred to the file of the Principal Family Court, Chennai.

5.The learned Principal Family Judge, Chennai is directed to take up the case and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.12128 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Subordinate Judge,  
Hosur.

2.The Principal Judge Family Court,  
Chennai.

+1cc to Mr.N.R.Anantha Ramakrishnan Advocate, S.R.No.66668

MP(CO)  
CB(20/09/2019)

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