

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.451 of 2019 and  
CMP.No.12860 of 2019

S.Keerthana

.. Petitioner

vs.

P.Sathiyan

.. Respondent

Civil Miscellaneous Appeal filed under Section 24 of C.P.C. seeking to withdraw and transfer HMOP.No.26 of 2019 on the file of the Sub-Court, Ranipet to the file of the Sub-Court, Neyveli.

For Petitioner : Mr.D.Balaraman

For respondent : Ms.S.P.Arthi

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JUDGMENT

The present Transfer Civil Miscellaneous Petition has been filed seeking to withdraw and transfer HMOP.No.26 of 2019 on the file of the Subordinate Judge, Ranipet to the file of the Subordinate Judge, Neyveli.

2. The case of the appellant in brief is as follows:

After the marriage between the petitioner and the respondent was solemnized on 29.11.2017 at Ranipet, they were living as husband and wife happily, as a result, they were blessed with a girl child on 31.08.2018. In the meanwhile, since the respondent husband was employed at Bangalore in a company by name Nexteer Automative Indian Private Limited, the petitioner who was working at Chennai also took transfer to Bangalore and she is now working in Bangalore. After delivery, the petitioner was also joined back with the respondent husband in the last week of December, 2018 and the in-laws who were residing in Ranipet subsequently came and joined with them at Bangalore. But the post delivery period was not good due to strained relationship. The respondent husband filed HMOP No.26/2019 on the file of the Subordinate Judge, Ranipet under Section 13(1) (1a) of the Hindu Marriage Act, 1958 on the ground of cruelty. The petitioner also appeared on the date of hearing before the Sub-Court, Ranipet and the case was adjourned to 22.04.2019.

Thereafter, it was further adjourned to 15.06.2019 for filing counter affidavit. As the HMOP.No.26/2019 was filed by the respondent husband on frivolous and baseless grounds, the petitioner wants to contest the same. But every time, since the petitioner wife has to undertake minimum 5 to 6 hours hectic multiple bus travels with 8 months old baby, she finds it very difficult. Therefore, the present Transfer CMP has been filed.

3. When the matter is called today, the learned Counsel for the respondent husband submitted that instead of allowing the present Transfer CMP withdrawing the pending HMOP.No.26 of 2019 from the file of the Sub-Court, Ranipet and to transfer the same to Sub-Court, Neyveli, a common place may be identified and the matter may be transferred in between Ranipet and Neyveli.

4. But it is not known how the learned Counsel for the respondent is ignorant of the fact that the petitioner is also having 8 months old baby. When the petitioner is taking care of the 8 months old baby, the respondent ought not to have asked for a common place as that would also cause hardship to both the petitioner and her 8 months old child.

5. In view of the above, the Transfer CMP is allowed. Accordingly, the Transfer HMOP.No.26 of 2019 pending on the file of the Sub-Court, Ranipet is withdrawn and transferred to the file of the Sub-Court, Neyveli. The learned Subordinate Judge, Neyveli is directed to dispose of the matter expeditiously on merits. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Subordinate Judge, Ranipet.

2. The Subordinate Judge, Neyveli.

+1 cc to Mr.D.Balaraman, Advocate, S.R.No.61651

+1 cc to Mr.S.P.Arthi, Advocate, S.R.No.62218

Tr.CMP.No.451 of 2019

PA(CO)  
SSM(21/08/2019)