

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.465 of 2019
and C.M.P. No.13149 of 2019

Mrs.R. Anusha

... Petitioner/Respondents

-vs-

J.N.Jayaraman

... Respondent/Petitioner

Prayer: Petition filed under Section 24 of C.P.C to withdraw H.M.O.P.No.260 of 2019 pending on the file of the Subordinate Court, Poonamallee and transfer the same to Subordinate Court, Tambaram.

For Petitioner : Mr.Adinarayana Rao

For Respondent : No appearance

O R D E R

The Transfer C.M.P. has been filed to withdraw H.M.O.P.No.260 of 2019 pending on the file of the Principal Subordinate Court, Poonamallee and transfer the same to Subordinate Court, Tambaram.

2. The learned counsel for the petitioner would submit that although the distance between Poonamallee and Tambaram is about 20 kms, the petition in HMOP No.260 of 2019 has been filed by the respondent/husband for divorce only to harass and cause mental cruelty to the petitioner.

3. The learned counsel further submitted that earlier, the petitioner and the respondent had agreed for mutual divorce and therefore, a petition was filed before the Subordinate Court, Tambaram and the same was numbered as HMOP No.733/2017. After filing the petition for mutual divorce, the parents of the petitioner advised the petitioner to join with the respondent with the assurance that they found out a doctor and the doctor would be able to cure the defects found with the respondent. Accordingly, the petitioner also joined the respondent and subsequently, the HMOP. No.733/2017 was also disposed of vide order dated 10.04.2018, by the learned Subordinate Judge,

Tambaram.

4. Since on earlier occasion, consent divorce petition was moved before Subordinate Court, Tambaram and that was also numbered and disposed of, it is not open to the respondent to pick and choose a different Court viz., the Subordinate Court, Poonamallee, which clearly shows that the respondent intended to drag and cause hardship to the petitioner.

5. Apart from that, even after service of notice in the present petition, as per the records maintained by the Registry, notice was served on the respondent on 18.07.2019, but the respondent has not chosen to engage any counsel or appear before this court which shows that he has no objection for transfer of H.M.O.P.No.260 of 2019. Hence, this Court is inclined to transfer H.M.O.P.No.260 of 2019 pending on the file of the Subordinate Court, Poonamallee.

6. Accordingly, Tr. C.M.P. is allowed and the H.M.O.P.No.260 of 2019 pending on the file of Subordinate Court, Poonamallee is withdrawn and transferred to the file of the Subordinate Court, Tambaram.

7. The Subordinate Court, Poonamallee is directed to send the entire records in HMOP No.260 of 2019 to the Subordinate Court, Tambaram and the learned Sub Judge, Subordinate Court, Tambaram is directed to take up HMOP. 260/2019 and dispose of the same expeditiously in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

sr
To

1.The Principal Subordinate Judge, Poonamallee
2.The Subordinate Judge, Tambaram
RSV(CO)
CB(19/09/2019)

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and
C.M.P. No.13149 of 2019