



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.466 of 2019 and
C.M.P. No.13179 of 2019

M.Kiruthika

... Petitioner

-vs-

P.S.Kathiravan

... Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the petition in H.M.O.P. No.7 of 2019 on the file of the Subordinate Court, Dharapuram and transfer the same to the Principal Subordinate Court, Tiruppur or any other Court in Tiruppur.

For Petitioner : Mr.S.Arjun

For Respondent : Mr.A.K.Sridharan

O R D E R

The Transfer C.M.P. has been filed by the petitioner to withdraw and transfer the H.M.O.P. No.7 of 2019 pending on the file of the Sub Court, Dharapuram to the file of the Principal Sub Court, Tiruppur.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 09.04.2017 at Sri Thampiratiyamman Thirukovil Mandapam, Ingur as per Hindu rites and customs. Due to difference of opinion arose between themselves, the respondent filed a petition for divorce in H.M.O.P. No.7 of 2019 before the Sub Court, Dharapuram by making a false and frivolous allegations against the petitioner. According to the learned counsel appearing for the petitioner, the petitioner is living with her aged parents at Tiruppur. As the distance between Tiruppur and Dharapuram is more than 60 k.ms, she finds it very difficult to undertake the long journey for every hearing before the Sub Court, Dharapuram. Therefore, if the H.M.O.P. No.7 of 2019 is transferred to the file of the Sub Court, Tiruppur, no prejudice will be caused to the respondent.



3.Opposing the above prayer, learned counsel appearing for the respondent submitted that the distance between Dharapuram and Tiruppur is only 50 k.ms and therefore, there cannot be any inconvenience for the petitioner wife in attending the proceedings at Sub Court, Dharapuram.

4.Although the above argument advanced by the learned counsel appearing for the respondent carries merit, yet another factor is that the petitioner has also filed a petition seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.7 of 2019 pending on the file of the Sub Court, Dharapuram is withdrawn and transferred to the file of the Principal Sub Court, Tiruppur.

5.The learned Principal Subordinate Judge, Tiruppur is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.13179 of 2019 is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

vga

To

1.The Sub Munsif Judge, Dharapuram.

2.The Principal Subordinate Judge, Tiruppur.

+lcc to Mr.S.Aron, Advocate SR.No.64087

Tr. C.M.P. No.466 of 2019 and
C.M.P. No.13179 of 2019

MP (CO)
GMY (29/08/2019)