

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.NO.395 OF 2018

AND

C.M.P.NO.10419 OF 2018

M.Varalakshmi

... Petitioner

Vs.

A.Pappaiah

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24(1) of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.5 of 2018 on the file of the Sub Court, Hosur, Krishnagiri District to transfer the same to the file of the learned Sub-Court, Vaniyambadi, Vellore District.

For Petitioner : Mr.G.Vinodh Kumar

For Respondent : Mr.N.Anand for Mr.C.Prabhakaran

ORDER

The petitioner has prayed for transferring the H.M.O.P. which is pending before the Sub-Court, Hosur, Krishnagiri District to the Sub-Court, Vaniyambadi, Vellore District.

2.The case of the petitioner is that she got married to the respondent on 13.11.2013 as per Hindu Rites and Customs at Dhasappa Kalayana Mandapam, G.S.T.Nagar, Avalapalli Road, Hosur Taluk, Krishnagiri District. Both the petitioner and respondent started living in a joint family in the respondent's house and have got two female children namely P.Vishali and P.Pooja who were born on 13.10.2014 and 24.03.2016 respectively. The petitioner stated that both the children are in her custody and were residing in the parents house. The allegation was that the respondent was asking to get money from her family again and again which caused the trouble and the respondent's parents and sister tortured her and also alleged that the husband is of the habit of drinking alcohol daily.

3.In the meanwhile, the husband has filed H.M.O.P.No.5 of 2018 seeking a prayer to dissolve the marriage between the petitioner and the respondent. The petitioner submits that she has got only her old mother surviving and she is living with her children and she cannot travel from Vaniyambadi i.e., in Ambur Village, to Hosur for every hearing and she is finding it difficult and she has got likelihood of threat from respondents and villagers since it is his native place. Hence, she sought for withdrawing the petition pending before the Sub-Court, Hosur to Sub-Court, Vaniyambadi.

4.The learned counsel for the respondent has filed a counter affidavit denying all the allegations but stated that he is not in the habit of drinking and he never demanded any money, it is the petitioner who have created problem by quarreling for trivial issues and she used to abuse him in a filthy language and ill-treated the respondent. On her own wish, she left the matrimonial house and left to her parents house and not acted as dutiful wife. He also obtained that, she has also developed illicit intimacy with another person by name Venkatesan and the same was questioned by respondent and advised her not to indulge in such activities and not to spoil the future of two daughters. But the petitioner did not reconcile, but she acted in a manner which made the respondent to file a petition seeking for divorce before the Sub-ordinate Court, Hosur, under Section 13(1)(i)(i-a) of Hindu Marriage Act. He submits that his life will be put to endanger at the instance of the petitioner and her paramour and other persons, if the case is transferred to Ambur, from Hosur.

5.This Court went through the divorce petition filed by the husband. It is based only on the conduct of the petitioner. Hence, it will be just and reasonable, the wife can travel to Thirupathur, which is hardly 30 minutes travel and the husband also can travel from Krishnagiri to Thirupatthur.

6.Hence, it is directed that the H.M.O.P.No.5 of 2018, which is pending before the Court at Hosur be transferred to the Sub-Court, Thirupathur. In the result, this Transfer Civil Miscellaneous Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrm

To

1. The Sub Judge, Hosur,
Krishnagiri District.
2. The Sub-Judge, Vaniyambadi,
Vellore District.

+1cc to Mr.N.Anand, Advocate, S.R.No.79989

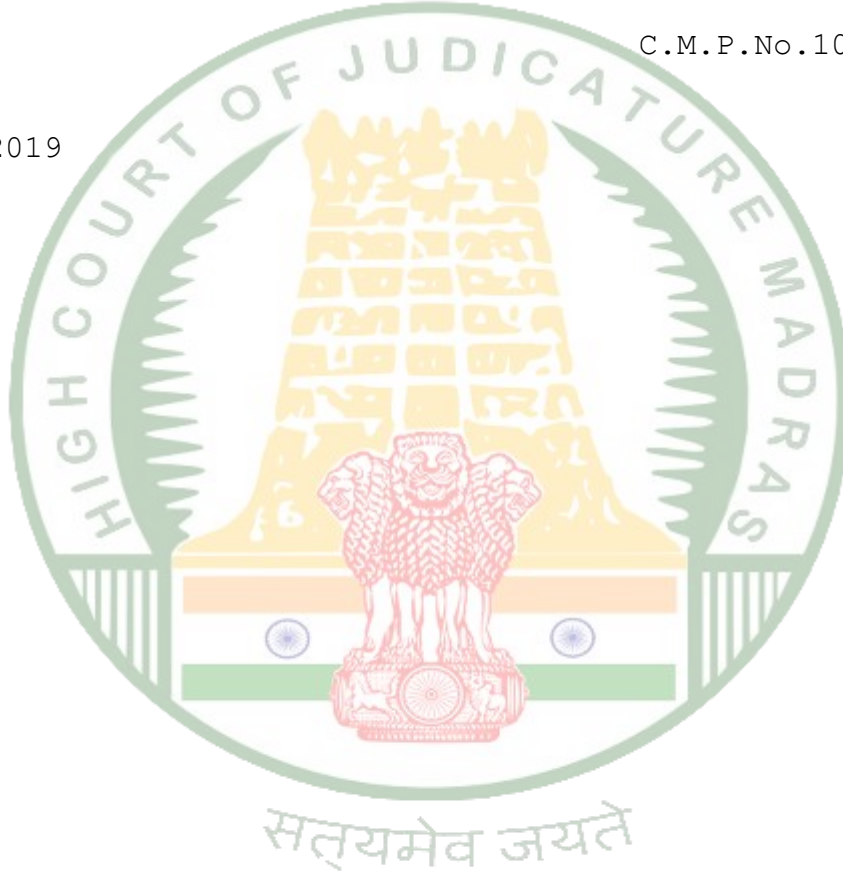
+1cc to Mr.G.Vinodh Kumar, Advocate, S.R.No.79733

TR.C.M.P.No.395 of 2018

and

C.M.P.No.10419 of 2018

SSI (CO)
CS/31/10/2019



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