

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2019

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.CMP.No.484 of 2018
and
C.M.P.No.12026 of 2018

B.Ramya

...Petitioner

...Vs...

B.Rajesh Kumar

...Respondent

Prayer:- Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the H.M.O.P.No.57 of 2018 pending before the Hon'ble Sub-Ordinate Judge, Kancheepuram and transfer the same to the Court of the Subordinate Judge, Tambaram.

For Petitioner : Mr.M.Senthamizh Selvan

For Respondents : No appearance

J U D G M E N T

The petitioner herein is the wife of the respondent, who filed the present Transfer Civil Miscellaneous Petition to withdraw the H.M.O.P.No.57 of 2018, pending before the Sub Court, Kancheepuram and transfer the same to the Sub Court, Tambaram.

2. The learned counsel appearing for the petitioner submits that the petitioner got married with respondent on 30.03.2017 at Sri Vasudeva Thirumana Mandapam, No.965, Velachery Main Road, Camp Road Junction, Chennai 600 073, as per Hindu rites and customs. After the wedding, the husband had torture her stating that she did not speak to him for three days, when she was preparing for Bank Recruitment Examination as she is a B.E.Graduate and the respondent who is a short tempered person. The petitioner was having little obesity and the Doctor prescribed some tablets for some period for which the respondent had taken advantage of the said prescription which was taken by him and he has taken a photo of the same and demanded more dowry which subjected to physical and mental agony to her and her parents. The

respondent was not interested in all the entertainments and has aversion towards entertainments but interested in going on pilgrimage. The father-in-law and the brother-in-law were always interfering in the day-to-day life and due to the said domestic violation wherein, she was subjected to assault and had injuries due to the same and they also abused her in filthy language. She went and informed the same to her parents on 15.05.2017 and after that they came and took her back. The respondent was working at Solinganallur and he walk out from the house and the wife has stayed only with her parents. The husband sent a legal notice on 25.01.2018 seeking divorce and she filed petition for reunion by following Section 9 for Restitution of Conjugal Rights before the Sub-Ordinate Court, Tambaram, in H.M.O.P.No.261 of 2018. The husband inspite of knowing the matter that she has filed a petition for restitution of conjugal rights on one of the file, the husband has filed the petition seeking for divorce in H.M.O.P.No.57 of 2008, which is pending before the Sub Court, Kancheepuram. Hence, she seeks to withdraw the said H.M.O.P.No.57 of 2008 from Sub Court, Kancheepuram and transfer the same to the Sub Court, Tambaram.

3. Notices are directed to be issued to the respondents and the respondent received the same by way of private notice on 20.07.2018, till date he has not filed any vakalat. The notices sent by Court has not been returned till date and the respondent is aware that the matter is pending before the Court and the other matter is also being conducted in both the Courts.

4. Accordingly, this Court is of the view that in the interest of justice, a joint trial would avoid delay as well as the conflicting orders passed by both the Courts. Hence this Court is inclined to allow this petition and the H.M.O.P.No.57 of 2018 pending before the Sub Court, Kancheepuram is withdrawn and to be listed with the petition filed by the wife seeking restitution of conjugal rights in H.M.O.P.No.261 of 2018.

5. Accordingly, the Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Pns

To

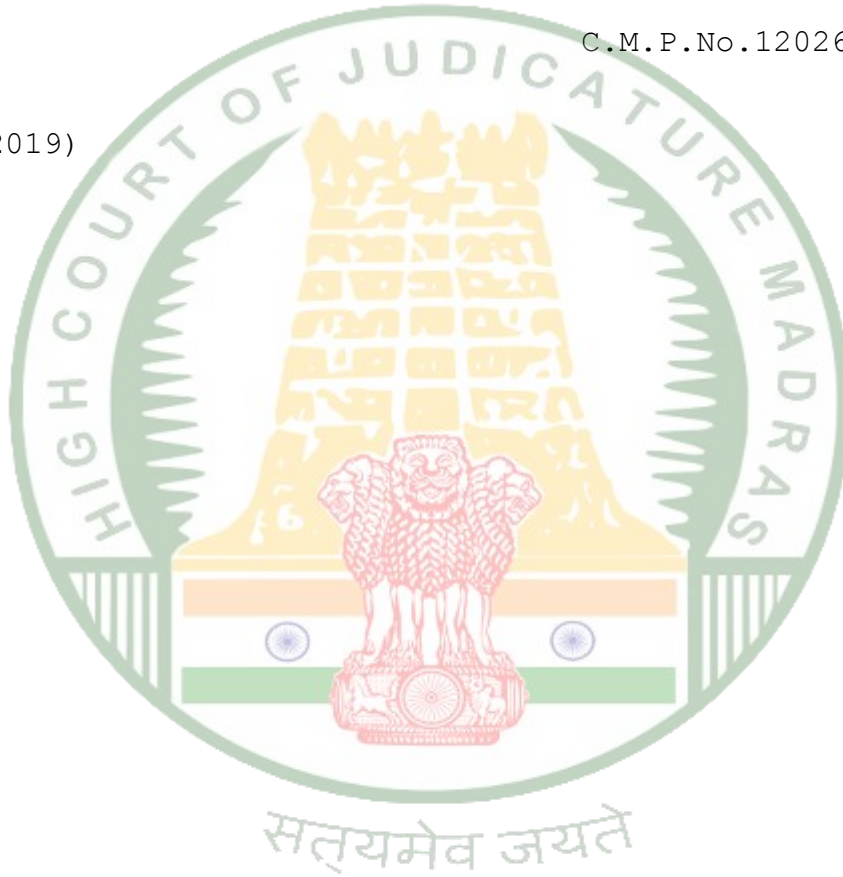
1.The Sub Judge,
Kancheepuram.

2.The Sub-Judge,
Tambaram.

+1cc to Mr.N.Alamelumangai, Advocate SR.92814

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SS(CO)
CB(12/12/2019)



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