

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.07.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.473 of 2019 and
C.M.P.No.13282 of 2019

N.Vijayalakshmi

... Petitioner

-vs-

R.Vivekanand

... Respondent

Prayer:

Petition filed under Section 24 of C.P.C to withdraw H.M.O.P. No.161 of 2019 pending on the file of the Sub Court of Tambaram and to transfer the same to the file of the Principal Subordinate Court of Thanjavur.

For Petitioner : Mr.K.Jayaraman

For Respondent : No appearance

ORDER

The Transfer C.M.P. has been filed by the petitioner to withdraw and transfer the H.M.O.P. No.161 of 2019 pending on the file of the Sub Court, Tambaram to the file of the Principal Sub Court, Thanjavur.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 15.03.2017 at Sri Venkateshwara Thirumana Mandapam, Madambakkam, Chennai-600 126 as per Hindu rites and customs. Due to difference of opinion arose between themselves, the petitioner left the matrimonial home and filed a petition in H.M.O.P. No.120 of 2019 before the Principal Sub Court, Thanjavur for restitution of conjugal rights. Knowing pretty well about the filing of the petition by the petitioner for restitution of conjugal rights, the respondent filed a petition for divorce in H.M.O.P. No.161 of 2019 before the Sub Court, Tambaram 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

Thanjavur. As the distance between Thanjavur and Tambaram is more than 350 k.ms, she finds it very difficult to undertake the long journey for every hearing before the Sub Court, Tambaram. Therefore, if the H.M.O.P. No.161 of 2019 is transferred to the file of the Sub Court, Thanjavur, no prejudice will be caused to the respondent.

3.Though the learned counsel for the respondent appeared in the earlier hearing, today there is no representation on his behalf.

4.Taking note of the facts that distance between Thanjavur and Tambaram is more than 350 k.ms and the petition in H.M.O.P. No.120 of 2019 seeking restitution of conjugal rights was filed by the petitioner under Section 9 of the Hindu Marriage Act, this Court is inclined to transfer the H.M.O.P. No.161 of 2019 pending on the file of the Sub Court, Tambaram to the file of the Principal Sub Court, Thanjavur. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.161 of 2019 pending on the file of the Sub Court, Tambaram is withdrawn and transferred to the file of the Principal Sub Court, Thanjavur.

5.The learned Principal Subordinate Judge, Thanjavur 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.13282 of 2019 is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Sub Judge, Tambaram.
2. The Principal Subordinate Judge, Thanjavur.

+1cc to Mr.C.B.Santhosh Kumar, Advocate, S.R.No.64631
+1cc to Mr.K.Jayaraman, Advocate, S.R.No.64302

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PA (CO)
CS/16/09/2019