

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.489 of 2019
and C.M.P. No.13661 of 2019

Harini

... Petitioner/ Petitioner

-vs-

R. Rajaguru

... Respondent/ Respondent

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P.No.161 of 2017 pending on the file of Subordinate Court, Srivilliputhur and transfer the same to Subordinate Court, Poonamallee.

For Petitioner : Mr.S.Vijayanand

For Respondent : No appearance

O R D E R

Mrs.Harini, W/o R. Rajaguru has filed the present petition, seeking to withdraw HMOP No.161 of 2017, pending on the file of Subordinate Court, Srivilliputhur and transfer the same to Subordinate Court, Poonamallee.

2. The learned counsel for the petitioner would submit that the marriage between the petitioner and the respondent was solemnized on 29.05.2015 at JSA Thirumana Mahal, Near Cotton Market, Rajapalayam as per Hindu Rites and Customs. Subsequently, due to misunderstanding between them, respondent/husband filed a petition in HMOP No.161 of 2017 before the Subordinate Court, Srivilliputhur, for restitution of conjugal rights and the same is pending. The learned counsel would further submit that the petitioner is having 2 years old girl child and she is staying with her parents at Thirumullaivoyal, which is nearby Poonamallee and the petitioner finds it very difficult to travel to Srivilliputhur along with the child and therefore filed the present petition, seeking for transfer of HMOP No.161 of 2017 pending on the file of

Subordinate Court, Srivilliputhur, to the file of Subordinate Court, Poonamallee.

3. As per the records maintained by the Registry, notice was served on the respondent on 23.07.2019, 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.161 of 2017 from the file of Subordinate Court, Srivilliputhur to Subordinate Court, Poonamallee. Moreover, the petitioner is having 2 years old female child with her and it will be difficult for the petitioner to undertake long journey with her child from Thirumullaivoyal to Srivilliputhur, which is about 500 kms away. Hence, this Court is inclined to transfer H.M.O.P.No.161 of 2017 pending on the file of Subordinate Court, Srivilliputhur.

4. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P.No.161 of 2017 pending on the file of Subordinate Court, Srivilliputhur is withdrawn and transferred to the file of the Subordinate Court, Poonamallee.

5. The Subordinate Court, Srivilliputhur is directed to send entire records relating to HMOP No.161 of 2017 to the Subordinate Court, Poonamallee and the learned Subordinate Judge, Poonamallee is directed to dispose of HMOP No.161 of 2017 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 Subordinate Court, Srivilliputhur
- 2.The Subordinate Court, Poonamallee.

+2ccs to Mr.S.Vijayanand , Advocate SR.No. 68354

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A.SK(18/09/2019)