

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr.C.M.P.No.487 of 2019

C.K.Swapna .. Petitioner

-vs-

R.Sudhan .. Respondent

Transfer Civil Miscellaneous Petition filed under Section 24 of the Code of Civil Procedure to withdraw the H.M.O.P.No.157 of 2018 on the file of the learned Subordinate Judge, Kancheepuram and transfer the same to the file of the learned Principal Subordinate Judge, Tindivanam to be tried along with H.M.O.P.No.88 of 2018 pending on the file of the learned Principal Subordinate Judge, Tindivanam.

For Petitioner :: Mr.M.R.Thangavel

For Respondent :: No appearance

ORDER

Mrs.C.K.Swapna, aged about 32 years, wife of Mr.R.Sudhan, the respondent herein has come to this Court seeking an order to withdraw the H.M.O.P.No.157 of 2018 from the file of Sub Court, Kancheepuram and transfer the same to the Principal Sub Court, Tindivanam for a joint trial along with H.M.O.P.No.88 of 2018 pending on its file.

2. The Registry records show that the notice sent to the respondent was served upon him on 22.7.2019. Even the private notice was also served on 20.7.2019. In spite of service of notice on the respondent, he has not chosen to enter appearance before the Court. That shows that he has no objection for allowing the prayer of the petitioner. Secondly, the petitioner, after the marriage was solemnized with the respondent on 8.9.2016 at Thiruvandipuram Manavala Mamunigal Sannadi Tirumana Hall, citing various reasons, has filed H.M.O.P.No.157 of 2018 on 29.6.2018 seeking divorce under Section 13(1)(ia) of the Hindu Marriage Act on the file of the Sub Court, Kancheepuram. After filing of the aforementioned

H.M.O.P.No.157 of 2018, the respondent has also filed H.M.O.P.No.88 of 2018 on 20.8.2018 before the Principal Sub Court, Tindivanam seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act. Now the petitioner wants the transfer of H.M.O.P.No.157 of 2018 from the Sub Court, Kancheepuram to the Principal Sub Court, Tindivanam for a joint trial. Therefore, the respondent cannot have any objection. Accordingly, the transfer civil miscellaneous petition stands allowed and the H.M.O.P.No.157 of 2018 is withdrawn from the file of the Sub Court, Kancheepuram and transferred to the Principal Sub Court, Tindivanam to be tried jointly along with H.M.O.P.No.88 of 2018 for expeditious disposal. Consequently, C.M.P.No.13616 of 2019 stands closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

ss

To

1. The Subordinate Judge
Kancheepuram
2. The Principal Subordinate Judge
Tindivanam

+1 CC to Mr.C.Anbu, Advocate sr 70892

Tr.C.M.P.No.487 of 2019

SS(CO)
SP(23/09/2019)