

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.09.2019

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr. C.M.P. Nos.506 and 508 of 2019
and C.M.P.Nos.14062 and 14067 of 2019

Vyshnavi Ranganathan ... Petitioner in both the petitions

-vs-

Ramanathan ... Respondent in Tr.C.M.P.No.506 of 2019
Usha ... Respondent in Tr.C.M.P.No.508 of 2019

Prayer in Tr.C.M.P.No.506 of 2019 : Petition filed under Section 24 of C.P.C to withdraw the suit in O.S.No.302 of 2019 from the file of the Subordinate Judge's Court at Coimbatore and transfer the same to the Subordinate Judge's Court at Dharmapuri.

Prayer in Tr.C.M.P.No.508 of 2019 : Petition filed under Section 24 of C.P.C to withdraw the suit in O.S.No.304 of 2019 from the file of the Subordinate Judge's Court at Coimbatore and transfer the same to the Subordinate Judge's Court at Dharmapuri.

For Petitioner :Mr.P.Valliappan

For Respondents :Mr.Suresh Babu

C O M M O N O R D E R

Since the prayer in the Transfer C.M.Ps. are interlinked, they are taken up together and a common order is being passed. The Transfer C.M.Ps. have been filed to transfer the O.S.Nos.302 and 304 of 2019 pending on the file of Sub Court, Coimbatore to the file of Sub Court, Dharmapuri.

2. The case of the petitioner is that she was married to the respondents' son, namely, Sridhar on 02.11.2016 at Subha Sri Mahall, Ramnagar, Kovai, as per the Hindu Customary rites, in the presence of elders, relatives and friends of both the families. Since the respondents' son, i.e., husband of the petitioner was employed at USA, she went to USA with him on 22.11.2016 and a child namely, Harish was born on 10.08.2017, after which the petitioner came to India along with the respondents. While the

respondents' son returned to India on 28.01.2018, he never stayed in her parents house in Dharmapuri, instead he used to stay in hotel. While the petitioner was living with the respondents' son in USA, he would harass by locking up inside the house until he returned from work. The respondents' son always suspected the petitioner and behaved abnormally. At later point of time, the petitioner came to know that the respondents' son was already married to one Sindhu and without disclosing the same, he married the petitioner suppressing all the facts. While that being so, the respondents' son filed H.M.O.P.No.535 of 2018 before the Family Court, Coimbatore seeking restitution of conjugal rights with a view to harass further. Since it was very difficult for the petitioner to travel to the Family Court at Coimbatore, she filed Tr.C.M.P.No.580 of 2018 before this Court seeking a transfer of a petition in H.M.O.P.No.535 of 2018 to the Family Court, Dharmapuri. This Court had ordered notice to the respondents' son, Sridhar. While so, the respondents have filed a vexatious suit in O.S.Nos.302 and 304 of 2019 seeking a sum of Rs.5,00,000/- each, as damages, on the ground that the petitioner had defamed the respondents by stating wrong facts in the legal notice sent by her, however, she has simply narrated what had actually taken place. When the notice was ordered, the respondents' son chosen not to press H.M.O.P.no.535 of 2018 and the same was dismissed as not pressed. In consequence, the Tr.C.M.P.no.580 of 2018 was also withdrawn.

3. It is the further case of the petitioner that the suits have been filed by the respondents only with an intention to harass the petitioner and that she should not live in peace.

4. The learned counsel for the petitioner would submit that the petitioner is residing at Dharmapuri, which is 228 Kms from Coimbatore and she is also having some financial difficulties, hence she finds it difficult to travel to Coimbatore. Further, she has a two year old son and her aged parents cannot accompany her, hence pleaded to transfer the suits from the file of Sub Court, Coimbatore to the file of Sub Court, Dharmapuri.

5. On the other hand, the learned counsel for the respondents would submit that the petitioner can travel to Coimbatore from Dharmapuri and the suits have been initiated only on the actual facts and not on vexatious grounds. He would also submit that the name and fame gained in the society by the respondents have been thrashed down by the petitioner by sending legal notice. and other than that, no other reasons have been stated in the suits.

6. Heard the learned counsel on either side and perused the documents placed on record.

7. Considering the facts and circumstances of the case and taking note of the fact that the petitioner, who is young lady, aged 28 years old and that she is having two years old child and coupled with the fact that her aged parents cannot accompany her during the travel to Coimbatore and also taking note of the financial difficulties faced by her, it would be just and fair to transfer O.S.Nos.302 and 304 of 2019 from the file of Subordinate Court, Coimbatore to the file of Subordinate Court, Dharmapuri.

8. Accordingly, the Tr. C.M.Ps. are allowed and the O.S.Nos.302 and 304 of 2019 pending on the file of the Sub Court, Coimbatore are withdrawn and transferred to the file of the Sub Court, Dharmapuri. Consequently, connected miscellaneous petitions are closed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssd
To
1.The Subordinate Judge, Coimbatore
2.The Subordinate Judge, Dharmapuri

+2 Ccs to Mr.P.Valliappan, Advocate sr 77272 & 77273.
+1 CC to Mr.P.Suresh Babu, Advocate sr 77061.

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SJ(CO)
SP(01/11/2019)