

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2019

CORAM

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Tr.CMP.No.505 of 2019
and
CMP.No.14048 of 2019

G.P.Mohanpriya

... Petitioner

Versus

J.Anjanavannan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the petition in H.M.O.P.No.97 of 2019 pending on the file of the Sub Court, Tirupattur to the file of the I Additional Family Court, Chennai to be heard along with O.P.No.1026 of 2018.

For Petitioner : Mr.Saravanel.J.

For Respondent : Notice served - No appearance

O R D E R

This petition has been filed by the petitioner seeking to withdraw and transfer the petition in H.M.O.P.No.97 of 2019 pending on the file of the Sub Court, Chennai, to be tried along with O.P.No.1026 of 2018.

2. The case of the petitioner is that the respondent and the petitioner is the husband and wife and the marriage between the parties was solemnized on 11.06.2017 at Arunachaleswarar Thirukoil, Arul Migu Kalyanasundareswarar Kalyana Mandapam, Thiruvannamalai as per Hindu Rites and Customs. No child was born out of the wedlock. Before the marriage, the petitioner was working in Dubai and she resigned her job soon after the marriage was fixed. After the marriage, the respondent and his family members insulted the petitioner and her family. Due to the cruel behavior of the respondent and his family members, the petitioner has filed a petition in O.P.No.1026 of 2018 before the I Additional Family court, Chennai to declare the marriage as null and void and also filed a petition in I.A.No.4887 of 2018 for interim maintenance and the same was ordered on

19.06.2019 directing the respondent to pay a sum of Rs.15,000/- per month as maintenance. Thereafter, the respondent has filed a petition in HMOP. No. 97 of 2019 before the Sub Court, Tirupathur, Vellore District for restitution of conjugal rights. The petitioner/wife is the resident of Chennai. She finds it difficult to travel from Chennai to Thirupathur to attend the Court proceedings. Therefore, she seeks transfer the petition in HMOP. NO.97 of 2019 filed by the husband and to be tried the same along with OP. No.1023 of 2019 filed by the petitioner.

3. The petitioner would further submit that the respondent is working in Chennai and he has filed a petition before the Sub Court, Thirupattur, claiming to reside at Thirupattur and only to harass the petitioner. The petitioner is living along with her parents at Chennai and also she is depending upon her parents for her livelihood. It is very difficulty for the petitioner to travel alone from Chennai to Thirupattur, which comes around 250 kms. Further, she has filed divorce petition in Chennai, in which the respondent has already filed a counter. If the case is transferred to Chennai, no prejudice would be caused to the respondent. Therefore, it will be appropriate to transfer the case in HMOP. No.97 of 2019 filed by the husband from Thirupattur to Chennai, to try along with OP. No.1026 of 2018.

4. Heard the learned counsel for the petitioner and perused the materials available on record. None appears on behalf of the respondent.

5. It is seen from the records that the petitioner has filed this transfer petition and this Court was ordered notice on 05.07.2019 and the same was served on the respondent. On 19.09.2019, this Court was directed the Registry to verify any vakalat has been filed on behalf of the respondent. Till date, there was no vakalat filed on behalf of him. In order to give sufficient opportunity, the respondent has not appeared before the Court either in person or through his counsel. Hence, this Court is inclined to dispose of this petition on merits, in accordance with law.

6. Considering the convenience of the parties, in order to avoid conflicting judgments, this Court is inclined to transfer the case from Thirupattur to Chennai. Accordingly, HMOP. No.97 of 2019 pending on the file of Sub Court, Thirupattur is to be withdrawn and transferred to the file of the I Additional Family Court, Chennai, to try along with OP. No.97 of 2019.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

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To

1. The Sub Court,
Thirupathur.
2. The I Additional Family Court,
Chennai.

+1cc to Mr.J.Saravanel, Advocate SR.No.88451

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RSK(CO)
GMY(12/11/2019)