

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.556 of 2019

and

C.M.P.No.15636 of 2019

Saipriya.C

..Petitioner/Respondent

Vs.

B.Gopinath

..Respondent/Petitioner

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer H.M.O.P.No.315 of 2018 on the file of the Subordinate Judge at Kancheepuram to the file of the Subordinate Judge at Poonamallee for disposal in accordance with law.

For Petitioner : M/s.B.S.Ajeetha
for Mr.J.Saravana Vel

For Respondent : Mr.R.John Sathyan

ORDER

This Transfer Civil Miscellaneous Petition has been filed seeking for transfer of H.M.O.P.No.315 of 2018 from the file of the Subordinate Judge, Kancheepuram, to the file of the Subordinate Judge, Poonamallee.

2. It is stated in the affidavit filed in support of this petition that the petitioner is a double PG holder in commerce and is currently pursuing her PHD. The respondent hails from a financially affluent background, he is the owner of a textile shop Varamahalakshmi Silks for the branches in Kancheepuram and Chennai, and he is also taking care of the family owned silk saree business in the brand name of SKP Silks in Kancheepuram and Arni. The marriage between the petitioner and the respondent was solemnized on 20.05.2015 in Tirupatti as per Hindu Rites and Customs, and out of the wedlock, a male child was born on 09.07.2016 who is now under the care and custody of the

petitioner. The respondent was a widower when he married the petitioner and had a son aged about 10 years born out of his previous marriage. The marital life of the petitioner was peaceful for only a month's time and after which, the respondent and his mother started ill treating the petitioner in several ways. Further, the respondent was having illegal affairs with several girls and when the petitioner questioned about the same, a dispute arose between them, which forced them to move separately from the matrimonial life in August 2015. Only after the separation, the petitioner was conceived and the male child was born on 09.07.2016.

3. It is further stated in the affidavit that the respondent/husband has filed a petition in H.M.O.P.No.315 of 2018 before the Subordinate Judge at Kancheepuram for dissolution of marriage held on 20.05.2015. The petitioner is presently residing in her parents home at Chennai, she do not have any source of livelihood and she is fully depending on her elder brother and aged mother for her and her child's expenses. In this situation, she could not travel to Kancheepuram which is about 80 kms from Chennai to attend the hearings in H.M.O.P.No.315 of 2018. Therefore, she seeks transfer of the same from the file of the Subordinate Judge, Kancheepuram to the file of the Subordinate Judge, Poonamallee.

4. Though the respondent has filed a counter affidavit denying the allegations of the petitioner, after the mutual discussion of this Court, he would submit that he has no objection in transferring the H.M.O.P.No.315 of 2018 from the file of the Sub Court, Kancheepuram to the file of the Sub Court, Poonamallee. Hence, this Court is inclined to transfer the same from Kancheepuram Sub Court to Chennai Poonamallee Sub Court.

5. Accordingly, this Transfer Civil Miscellaneous Petition is allowed and the HMOP.No.315 of 2018 pending on the file of the Subordinate Court, Kancheepuram is withdrawn and transferred to the file of the Subordinate Court, Poonamallee. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,
Kancheepuram.
2. The Subordinate Jude,
Poonamallee.

+1 cc to M/s.J.Saravana Vel, Advocate Sr.No. 86831

AKM/04.12.19/3P-4C /

TR.C.M.P.No.556 of 2019
and C.M.P.No.15636 of 2019