

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2019

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P.NO.604 OF 2019

T.Sathya

... Petitioner/Respondent

Vs.

E.Vijayakumar

... Respondent/Petitioner

PRAYER:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the HMOP. No.438 of 2019 pending on the file of the Subordinate Court, Poonamallee and to transfer the same to the file of the Principal Sub Court, Tiruvannamalai.

For Petitioner : Mr.V.Prakash Babu

For Respondent : Notice served - No appearance

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw the HMOP. No.438 of 2019 pending on the file of the Subordinate Court, Poonamallee and to transfer the same to the file of the Principal Sub Court, Tiruvannamalai.

2. The Respondent and petitioner are husband and wife. The marriage was solemnized between the parties on 27.08.2015 at S.D.Kalyana Mandapam, Mangalam Village, Tiruvannamalai Taluk as per Hindu Rites and Custom. After the marriage, the couples were set up a matrimonial house at Ambattur. Out the wedlock, a female child was born on 02.06.2016. The respondent used to drink alcohol and abused the petitioner in filthy language. The ill advice of the in-laws, the respondent started to ill-treat the petitioner. Due to cruel attitude of the respondent, the petitioner's brother has given a complaint against the respondent before the Ambattur Police Station. Thereafter, the respondent issued a legal notice on 16.02.2019 with false allegation. For which, the petitioner has given a reply on 04.03.2019. Hence, the respondent has filed a petition in HMOP. No.438 of 2019 on the file of the Sub Court, Poonamallee for Restitution of conjugal rights. The petitioner/wife is the

resident of Tiruvannamalai. She finds it difficult to travel from Tiruvannamalai to Poonamallee to attend the Court proceedings. Therefore, she seeks transfer of the petition filed by the husband to Tiruvannamalai.

3. The learned counsel for the petitioner/wife would submit that the petitioner is living with her aged parents at Mangalam Village, Tiruvannamalai Taluk. Being a lady, the petitioner could not travel alone from Tiruvannamalai to Poonamallee which is around 160 K.M. Distance. Because of this, she is facing physical as well as financial issues. It is very difficult for her to travel such a long distance along with her child to attend the each and every hearings. Therefore, it will be appropriate to transfer the case filed by the husband from Poonamallee to Tiruvannamalai.

4. This Court ordered notice to the respondent through Court as well as privately and the same was served on him. Till date, no vakalat has been filed on behalf the respondent. In spite of giving sufficient opportunities, he has not appeared in person or through his counsel. Hence, this Court is inclined to dispose of the matter on merits in accordance with law.

5. Considering the convenience of the petitioner, this Court is inclined to transfer the case from Poonamallee to Tiruvannamalai. Accordingly, HMOP. No.438 of 2019 pending on the file of Subordinate Court, Poonamallee is to be withdrawn and transferred to the file of the learned Subordinate Court, Tiruvannamalai.

6. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

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To

- 1.The Subordinate Judge, Tiruvannamalai.
- 2.The Subordinate Judge, Poonamallee.

+1cc to Mr.V.Prakash Babu, Advocate, S.R.No.89892

TR.C.M.P.No.604 of 2019

SJ(CO)
CS/09/12/2019