

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.11.2019

Coram:

THE HONOURABLE MRS.JUSTICE V. BHAVANI SUBBAROYAN

Transfer CMP No.612 of 2019
and
C.M.P.No.17521 of 2019

S.Revathi	..	Petitioner
	Versus	
R.Rajaram	..	Respondent

PRAYER: This Transfer Civil Miscellaneous petition is filed under Section 24 of the Civil Procedure Code with a prayer to pass an order to withdraw the petition in H.M.O.P.No.7 of 2017 on the file of Sub Court, Udumalaipettai and transfer the same to the file of Principal Family Court at Coimbatore to be tried along with H.M.O.P.No.995 of 2017 pending on the file of Principal Family Court at Coimbatore.

For Appellant : Ms.M.Kavitha

For Respondent : No appearance

ORDER

The petitioner is the wife who has filed this Transfer Civil Miscellaneous Petition seeking withdrawal of H.M.O.P.No.7 of 2017 on the file of the Sub Court, Udumalaipettai and transfer the same to the file of Principal Family Court at Coimbatore to be tried along with H.M.O.P.No.995 of 2017.

2.The case of the petitioner is that she got married to the respondent on 26.01.2015 at Sri Soundraraja Perumal Thirukovil, Neelukadai Vedhi, Udumalaipettai as per Hindu rites and customs. At the time of the marriage the parents of the petitioner have given 35 sovereign of gold articles and Rs.1 lakh in cash as sridhana to the respondent. After marriage the respondent got a Government job in Transport Department, Pollachi Depot. They started matrimonial life at the Respondent matrimonial home at Udumalaipettai. The respondent used to travel from Udumalaipettai to Pollachi daily for doing his job and the petitioner went to do a private job.

3.It is the further case of the petitioner that the salary of the respondent was taken by his parents and the family was

managed by the wife from her salary. In March, 2016 the respondent's employment was made permanent and he was transferred from Pollachi to Coimbatore transport depot. Hence, they decided to shift the family from Udumalaipettai to Coimbatore.

4.Further, the petitioner states that the after they shifted to Coimbatore the respondent used to come home very late and sometimes he did not come home. On 23.10.2016, the respondent did not return from his work. Hence, the petitioner tried to contact him through phone but, the phone call was not answered and later the mobile phones was switched off. Hence, the petitioner went to Udumalaipettai to meet the parents of the respondent to enquire about the respondent and to her shock and surprise the respondent was there with his parents and he did not allow the petitioner to enter the room.

5.Thereafter, on false allegations, the respondent has filed H.M.O.P.No.7 of 2017 before the Sub Court, Udumalaipettai, seeking divorce. According to the petitioner the respondent is acting cruel as per the instruction of his parents and sister. The petitioner herein had filed H.M.O.P.No.995 of 2017, on the file of Principal Family Court, Coimbatore seeking restitution of conjugal rights from the respondent. The petitioner has also filed D.V.A.No.31 of 2018, before the VI Judicial Magistrate, Coimbatore and the same is pending.

6.The learned counsel for the petitioner states that the petitioner finds it difficult to travel from Coimbatore to Udumalaipettai due to the cruel acts and harassment inflicted on her by the respondent and his parents. She is also not able to travel from Coimbatore to Udumalaipettai because of family problems and financial reasons. Therefore, she seeks transfer of H.M.O.P.NO.7 of 2017 on the file of Sub Court, Udumalaipettai to the Principal Family Court, Coimbatore, to be tried along with H.M.O.P.No.995 of 2017.

7.Notice was ordered on the respondent on 16.08.2019 and interim stay was also granted. The Court notice sent to the respondent was returned as unclaimed. On 22.10.2019, private notice was ordered to be taken on the respondent through the learned counsel, who is appearing on behalf of the respondent before the Court below and the same was received by the father of the respondent, who has signed the acknowledgement card.

8.Even though notice has been sent to the respondent, there is no appearance till date on behalf of the respondent. Hence, this Court is inclined to allow the Transfer Civil Miscellaneous Appeal and consequently, H.M.O.P.No.7 of 2017, filed by the husband, pending before the Sub Court, Udumalaipettai shall be

withdrawn and transferred to Principal Family Court, Coimbatore, to be tried along with H.M.O.P.No.995 of 2017. No costs. Consequently, the connected Civil Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

tsg

To

1.The Sub Court,
Udumalaipettai

2.The Principal Family Court,
Coimbatore

+1cc to Mr.M.Kavitha, Advocate, S.R.No. 94037

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CA(CO)
GN(17/12/2019)