

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2019

Coram

THE HON'BLE MRS. JUSTICE BHAVANI SUBBAROYAN

Tr.C.M.P.No.627 of 2019

and

C.M.P.No.18103 of 2019

E.Vigneshwari

...Petitioner

Vs.

N.Gowri Shankar

...Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of Cr.P.C., to withdraw the case in HMOP. No.419 of 2019, on the file of the Sub Court, Poonamallee and to transfer the same to the Sub Court, Harur.

For Petitioner	: Mr.P.Muthusamy
For Respondent	: Mr.V.Kumaravelan

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner seeking to withdraw the case in HMOP. No.419 of 2019, on the file of the Sub Court, Poonamallee and to transfer the same to the Sub Court, Harur.

2. The case of the petitioner is that the respondent and the petitioner are the husband and wife. The marriage between the parties was solemnized on 27.08.2017 at N.N.Mahal, Harur and the same was registered in Marriage Registration Office and Certificate No.51 of 2017. At the time of the marriage, the petitioner's parents have gifted about 100 sovereigns of jewels and spend Rs.10 lakhs toward the marriage expenses and Rs.5 Lakhs cash as dowry. After the marriage, the petitioner was living in matrimonial home. The respondent hails from a rich family and doing large scale business in India and abroad. From the day of the marriage, the respondent the respondent and his family members had harassed the petitioner without any reason and also they demanded dowry from the petitioner. Thereafter, the couple were living in abroad where the

respondent is doing business. Due to difference of opinion, the respondent and his family members sent the petitioner to her parental home and thereafter, the respondent filed a petition before the Sub Court, Poonamallee in HMOP. No.419 of 2019 for dissolution of marriage. The petitioner/wife is a resident of Harur, Dharmapuri District. Hence, she seeks transfer of the case filed by the husband from Chennai to Harur, Dharmapuri District.

3. The learned counsel for the petitioner would submit that the the petitioner is residing in her parental home at Dharmapuri. The petitioner is depending upon her parents for her livelihood. Only to harass the petitioner, the respondent has filed a petition before the Court at Poonamallee. It is very difficult for her to travel alone from Dharmapuri to Chennai, which comes around 220 KM. From Dharmapuri to attend the court proceedings. Hence, the petitioner came this Court by way of this petition, seeks transfer of the case pending before the Sub Court, Poonamallee to the file of the Sub Court, Harur.

4. The learned counsel appearing for the respondent would submit that the respondent has denied all the allegations made by the petitioner and he has no objection to transfer the case to Harur.

5. Heard the learned counsel for the petitioner as well as the respondent and also perused the materials available on record.

6. It is seen from the records that the petitioner and the respondent are the husband and wife and due to the misunderstanding between them, the husband has filed a divorce case before the Court at Poonamallee.

7. Considering the convenience of the parties, this Court is inclined to withdraw the case in HMOP. No.419 of 2019 on the file of the Sub Court, Poonamallee and transfer the same to the Sub Court Harur.

8. Accordingly, HMOP. No.419 of 2019, on the file of the Sub court Poonamallee is withdrawn and transferred to the file of the Sub Harur.

9. In the result, the Transfer Civil Miscellaneous Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

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To

1. The Sub Court, Poonamallee.
2. The sub Court, Harur.
- 3.

+lcc to Mr.P.Muthusamy, Advocate, SR.No.99706.

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and
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CP(CO)
CSR:21/01/2020