

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Tr.C.M.P.No.636 of 2019  
and  
C.M.P.No.18424 of 2019

Sathya ... Petitioner

Vs.

S.Prabakaran ... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in HMOP.No.29 of 2019 pending on the file of the Sub Court, Dharapuram and transfer the same to the Sub Court, Tiruvannamalai.

For Petitioner : Mr.B.Jawahar  
For Respondent : Mr.I.C.Vasudevan

ORDER

The petitioner herein is the wife and she prayed for withdrawing the case in HMOP.No.29 of 2019 pending on the file of the Sub Court, Dharapuram and transfer the same to the Sub Court, Tiruvannamalai.

2 The case of the petitioner is that she got married to the respondent on 27.08.2015 at Kongu Thirumana Mahal, Vadugapatti Road, Moolanur. She submits that she has been treated by the respondent as a third party, as if she has no role in the family. She would submit that after the marriage, a separate family was set up at Nesapakkam in Chennai and the respondent has not allowed the petitioner to take part in the family and she was simply dictated that she had to act as per the direction of the respondent and that she cannot give any suggestion. Even if she made, it will be rejected without any reason by the respondent. Further, the petitioner submitted that her mother-in-law had demanded her to get more dowry and also get the share in the family property of her father. The petitioner submitted that due to the said wedlock, she delivered a male children on 19.02.2017 at CMC Hospital at Vellore and

even though it was informed, the respondent had not showed any interest. She submitted that after the birth of baby, the doctors advised that the child was weak and should be monitored, hence they refused to allow anybody to visit the child. The respondent's parents came to the hospital and could not visit that child due to the restriction of the doctors, but they claimed that the petitioner's brother did not allow them to visit the child. Till date, nobody has visited the child and now the baby is 2 years 6 months. The petitioner tried several times to contact the respondent through phone but he refused to attend her call and her parents are requested the respondent and his family members but they blindly stated that they are not interested to take her back and the respondent said that he does not want to live with his wife and he needs only divorce and then she residing along with her parents. Then the respondent has filed a petition in HMOP.No. 29 of 2019 before the Sub Court, Dharapuram, praying for divorce.

3 The petitioner submitted that she is residing at Tiruvannamalai along with her parents with her 2½ years child. She finds it difficult to travel along with her 2½ child to Dharapuram, which is about 350 kms from Tiruvannamalai and it will take nine hours to travel and she needs someone to accompany her and attend the Court proceedings. Further, she submit that the respondent is working at Chennai and it is convenient for him to attend the case at Dharapuram, whereas, Tiruvannamalai is convenient for the petitioner.

4 The learned counsel appearing for the respondent would submit that he has objection in transferring the case to Tiruvannamalai.

5 This Court find that petitioner is having 2½ old baby and it will be difficult for her to travel from Tiruvannamalai to Dharapuram for nine hours. Hence, in the above said facts, it will be convenient to the petitioner for attending the hearing at Sub Court, Tiruvannamalai in stead of appearing before the Sub Court Dharapuram. The respondent also expressed no serious objection in the case being transferred to Tiruvannamalai.

6 In view of the above facts, this Court is of the view that the petition filed by the wife is to be allowed and direct the Sub Court Dharapuram to withdraw the HMOP.No.29 of 2019 and transfer the same and the Sub Court, Tiruvannamalai within a period of six weeks from the date of receipt of a copy of this order.

7 Accordingly, Transfer Civil Miscellaneous Petition filed by the petition/wife stands allowed and HMOP.No.29 of 2019 on the file of the Sub Court, Dharapuram is withdrawn and is transferred to the file of the Sub Court, Tiruvannamalai. No costs. Consequently, connected Miscellaneous Petition is also closed.

s/d-  
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

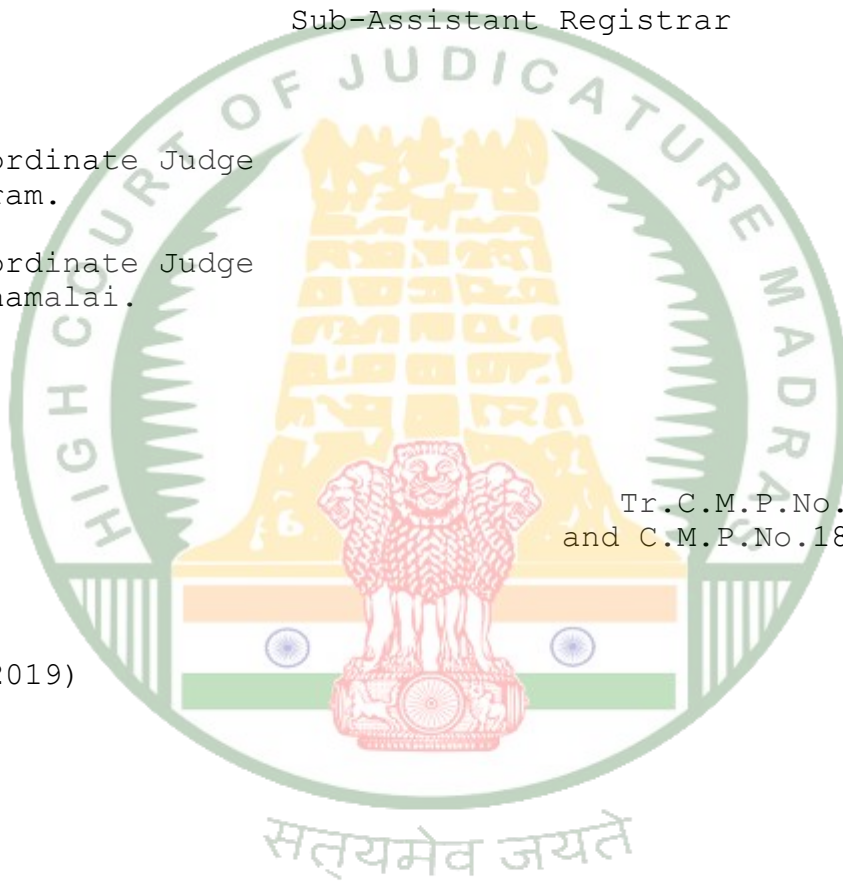
To

1.The Subordinate Judge  
Dharapuram.

2.The Subordinate Judge  
Tiruvannamalai.

Tr.C.M.P.No.636 of 2019  
and C.M.P.No.18424 of 2019

NR(CO)  
SP(09/12/2019)



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