

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.08.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Tr. C.M.P. No.638 of 2019
and
C.M.P. No.18452 of 2019

Jeevitha ... Petitioner/Respondent

-vs-

Ambikapathi Respondent /Petitioner

Prayer: Petition filed under Section 24 of C.P.C to withdraw the H.M.O.P. No.25 of 2019 pending on the file of Sub Court, Uthangarai and transfer the same to be tried along with M.C. No.10 of 2019 in the Family Court, Salem.

For Petitioner : Mr.K.A.Mariappan for
Mr.S.Conscious Ilango

For Respondent : Mr.I.Siddiq
for M/s.Dass and Viswa Associates

O R D E R

The Transfer C.M.P. has been filed to transfer the H.M.O.P. No.25 of 2019 pending on the file of the Sub Court, Uthangarai to the file of the Family Court, Salem to be tried along with M.C. No.10 of 2019.

2.Learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the respondent was solemnised on 26.06.2017. According to the learned counsel appearing for the petitioner, as the petitioner was often subjected to various harassments at the hands of the respondent and his family members, she left the matrimonial house and she was residing with her aged parents at Salem. It is in the circumstances left with no other option, she filed a case in M.C. No.10 of 2019 before the Family Court, Salem praying for a direction to the respondent herein to give her alimony to maintain herself. In order to further harass the petitioner, the respondent filed a petition in H.M.O.P. No.25 of 2019 seeking

divorce on the file of the Sub Court, Uthangarai by making false allegations against the petitioner. As the petitioner finds it difficult to undertake long journey which is about 100 kms from her residence to Uthangarai, she has been advised to come to this Court. Therefore, if the H.M.O.P. No.25 of 2019 is transferred to the file of the Family Court, Salem, no prejudice will be caused to the respondent.

3.Heard the learned counsel appearing for the respondent.

4.Taking note of the facts that the petitioner has to travel long distance alone from her residence and in any event, the respondent has to appear before the Family Court, Salem for conducting the case in M.C. No.10 of 2019, this Court is inclined to transfer the H.M.O.P. No.25 of 2019 pending before the Sub Court, Uthangarai to the file of the Family Court, Salem. Accordingly, the Tr. C.M.P. is allowed and the H.M.O.P. No.25 of 2019 pending on the file of the Sub Court, Uthangarai is withdrawn and transferred to the file of the Family Court, Salem.

5.The learned Judge, Family Court, Salem is directed to take up both the cases and dispose of the same expeditiously in the manner known to law. No costs. Consequently, C.M.P. No.18452 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The Subordinate Judge,
Uthangarai.

2.The Judge, Family Court, Salem.

+1cc to Mr.Dass and Viswa Associates, Advocate, S.R.No. 74417

+1cc to Mr.S.Conscious Ilango, Advocate, S.R.No. 74290

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PPA (CO)
GN(04/10/2019)