

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2019

C O R A M

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR C.M.P. NO.672 OF 2019
AND C.M.P.NO.19278 OF 2019

M.Meena ... Petitioner

Vs.

S.Jothivel ... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of the Civil Procedure Code, seeking to withdraw HMOP No.111 of 2018 on the file of the Subordinate Court, Jayankondam, Ariyalur District and transfer the same to the Subordinate Court, Thanjavur District.

For Petitioner : Mr.K.Balaji
for Mr.R.Subramanian

For Respondent : Mr.T.S.Kanmani
for M/s.T.Sellakannu

O R D E R

This Transfer Civil Miscellaneous Petition has been filed by the petitioner seeking to withdraw HMOP No.111 of 2018, pending on the file of Sub Court, Jayankondam, Ariyalur District and transfer the same to the file of Sub Court, Thanjavur.

2. The case of the petitioner is that she got married to the respondent on 18.05.2018 at Kattida Kuzhu Mahal, Meensurutti, Cuddalore District, as per Hindu Rites and Customs. The petitioner is the housewife. It is alleged that the respondent is M.A.decreed holder and doing private job. As the respondent had illegal relationship with his brother's wife, he compelled the petitioner to sleep outside the house. When the petitioner questioned the same, he threatened the petitioner that if she informs the same to her parents, he will kill her. The respondent used to beat her in front of his family members. The respondent also made an attempt to kill the petitioner by opening the Gas cylinder during night hours. On 11.09.2018, the respondent chased away the petitioner from the matrimonial home. Subsequently, the petitioner had given a complaint before the Protection Officer, Thanjavur District, on 07.12.2018, under Section 12 of the Act against the respondent and her in-laws. The Protection Officer, forwarded

the complaint in D.V.O.P.No.5 of 2019 to the Judicial Magistrate Court No.II, Thanjavur and the same is still pending. In the said petition, the respondent filed counter.

3.In the meantime, the respondent/husband filed a petition in H.M.O.P.No.111 of 2018 before the Subordinate Court, Jayamkondam, Ariyalur District, seeking restitution of conjugal rights.

4.Since the petitioner is residing at Vallam with her old age parents, she finds it very difficult to travel from Vallam to Jayamkondam to attend the Court proceedings. The petitioner further states that as the respondent is appearing before the Judicial Magistrate Court No.II, Thanjavur to attend the case in D.V.O.P.No.5 of 2019, it will be convenient for both the parties to transfer the proceedings in HMOP No.111 of 2018 to the Sub Court, Thanjavur.

5.The respondent did not file counter, but submitted that he has no intention to harm the petitioner if she appears before the Court in Jayamkondam.

6.Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

7.Considering the inconvenience and physical hardship caused to the petitioner and also in the interest of justice, this Court is inclined to allow this Transfer Civil Miscellaneous Petition. Accordingly, HMOP No.111 of 2018 pending on the file of Subordinate Court, Jayamkondam, Ariyalur District is withdrawn and transferred to the file of the learned Subordinate Judge, Thanjavur. Further, a direction is issued to the learned Subordinate Judge, Thanjavur, to dispose of the matter, on merits and in accordance with law, as expeditiously as possible.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

TK

To

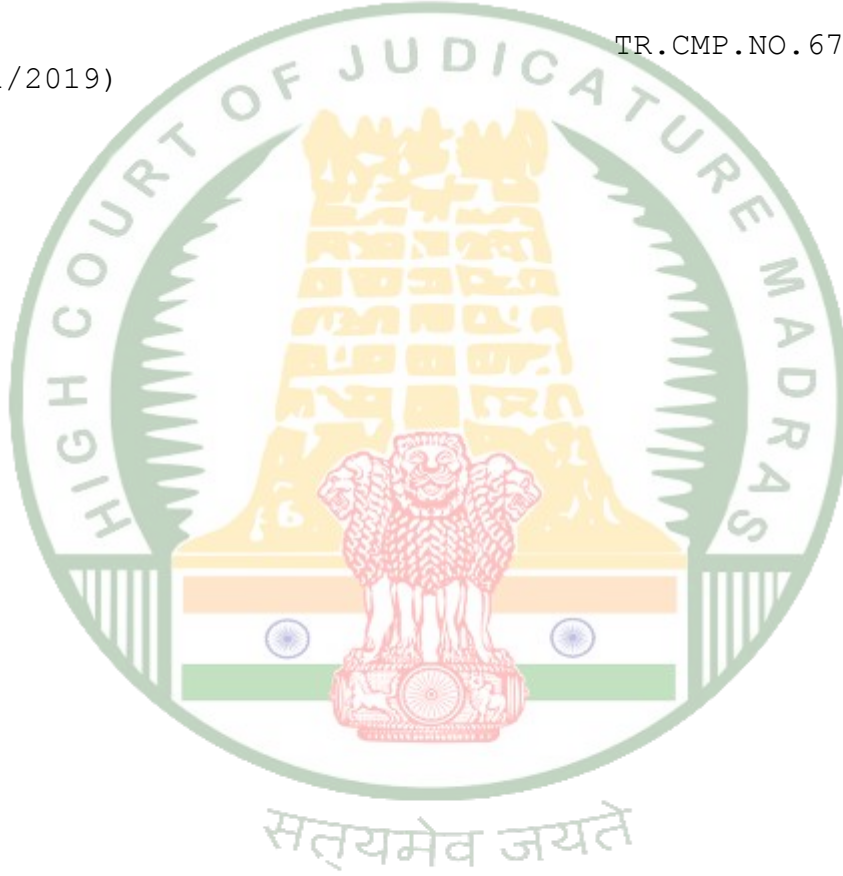
1.The Subordinate Court
Jayamkondam,
Ariyalur District.

2.The Subordinate Court
Thanjavur.

+lcc to Mr.T.S.Kanmani , Advocate SR.No. 90500
+lcc to Mr.S.Anbu raja , Advocate SR.No. 89814

TR.CMP.NO.672 OF 2019

A.SK(28/11/2019)



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