

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.10.2019
CORAM
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
TR.C.M.P.No.677 of 2019
and
C.M.P.No.19351 of 2019

Devipriya

... Petitioner

Vs.

S.Karthikeyan

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the H.M.O.P No.121 of 2019 on the file of the learned Sub Court, Hosur and transfer the same to the learned Sub Court, Harur for conducting a joint trial along with H.M.O.P.No.75 of 2019 pending on the file of the learned Sub Court, Harur.

For Petitioner : Mr.B.Gopalakrishnan
For Respondent : Court Notice Served
No Appearance

ORDER

The petitioner has filed this petition, seeking transfer of H.M.O.P.No.121 of 2019, pending before the learned Sub Court, Hosur and transfer the same to the learned Sub Court, Harur to be tried along with H.M.O.P.No.75 of 2019, filed for divorce by the petitioner/wife.

2. The petitioner is the wife and the respondent is the husband. The case of the petitioner is that she got married to the respondent on 08.09.2016 as per Hindu rites and customs at Malliga Palace Thirumana Mandapam, Pappireddypatti. The respondent is a parental uncle son and he is working in a private concern at Bangalore. At the time of marriage the petitioner was doing her final year B.E. Degree, after their marriage the petitioner continued her final year in her parental home. After, they set up the matrimonial home in the respondent's home, they lived only for 20 days. Thereafter, the petitioner came to know that before marriage, the respondent fell in love with one girl, on compulsion of his parents, he married the petitioner. The petitioner advised the respondent to forget the earlier love, but the respondent refused. Further that, the petitioner interested in her higher studies and also requested the respondent to permit for the studies and TNPSC Group-2 exam, but the respondent not permitted and abused her in

filthy language and brutally attacked the petitioner and she sustained grievous injuries. The petitioner father came to her matrimonial home questioned about the brutal attack, the respondent threatened and abused him with filthy language. Thereafter, the petitioner came to her parental home with her father. Thereafter, she filed H.M.O.P No.75 of 2019 on the file of the learned Sub-Court, Harur for divorce against the respondent.

3.The respondent/husband has filed H.M.O.P.No.121 of 2019 before the learned Sub Court, Hosur stating that the petitioner was interested in her higher studies and for her recruitment exams. Further that, the petitioner started quarrels with the respondent and his parents. Later, the petitioner's father came to the respondent home and took the petitioner with him.

4.The petitioner/wife denies all the allegations as false and frivolous and she has filed a petition under Section 9 of the Hindu Marriage Act seeking divorce from her husband/respondent and the husband/respondent has not shown any interest in taking her back. Further, the petitioner states that she has filed a petition in H.M.O.P.No.75 of 2019 for divorce before the Sub-Court, Harur and the respondent/husband filed Restitution of Conjugal Rights Petition in H.M.O.P.No.121 of 2019 before the learned Sub Court, Hosur. Therefore, the petitioner prays for transferring H.M.O.P.No.121 of 2019 pending before learned Sub Court, Hosur to the Sub-Court, Harur to be tried along with H.M.O.P.No.75 of 2019, so that multiplicity of proceedings can be avoided.

5.The learned counsel for the petitioner submitted that since the petitioner is not employed and has no independent income, she cannot even meet out the travel expenses to attend the Court proceedings at Hosur and she needs somebody's help to travel a long distance i.e., 125 kms from Harur to Hosur and then, return to Gudiyatham. There is also a life threat made by the respondent on various occasions, hence she apprehends danger from the respondent.

6. Despite service of notice and there is no representation on behalf of the respondent.

7. Heard the learned counsel for the petitioner and perused the materials available on records.

8.On perusing the records, it is seen that the petitioner has filed divorce petition and the respondent has filed the petition for Restitution of Conjugal Rights in different Courts. The petitioner/wife is residing at Harur, it will be reasonable and convenient for her if the case is transferred to Harur.

9. Hence, in view of the above facts and circumstances, this Court is of the view that H.M.O.P.No.121 of 2019, pending before the learned Sub Court, Hosur shall be transferred to the learned Sub Court, Harur, filed by the petitioner/wife.

10. Accordingly, the Transfer Civil Miscellaneous Petition is allowed. The proceedings in H.M.O.P.No.121 of 2019 is withdrawn from the file of the Sub Court, Hosur and shall be transferred to the file of the Sub Court, Harur to be tried along with H.M.O.P.No.75 of 2019. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1.The Sub Court, Harur.

2.The Sub Court, Hosur.

+1CC to Mr.B.Gopalakrishnan, Advocate, Sr.No.90099.

TR.C.M.P.No.677 of 2019
and
C.M.P.No.19351 of 2019

NMS (CO)

CSR: 17/12/2019

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