

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2019

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

TR.C.M.P.No.682 of 2019
and
C.M.P.No.19457 & 19458 of 2019

R.Santhoshi Devi

...Petitioner

..Vs..

R.Ravi Kumar

... Respondent

Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw the case in H.M.O.P.No.11 of 2019 on the file of the Sub Court, Paramathy, Vellore and transfer it to the Family Court, at Srivilliputhur for being tied along with H.M.O.P.No.58 of 2019.

For Petitioner : Mr.S.Lakshmikanth

For Respondent : Mr.T.S.Arthanareeswaran

ORDER

The present Transfer Civil Miscellaneous Petition has been filed by the wife seeking for withdrawing of the HMOP No.11/2019 pending before the Sub Court, Paramathy, Vellore and transfer the same to Family Court, at Srivilliputhur to be tied along with HMOP No.58/2019.

2.The case of the petitioner is that she got married to the respondent on 13.03.2013 at Maharajapuram Perumal Koil, Srivilliputhur Taluk, Virudhunagar District. After the wedding, the wife became pregnant and the same was informed to the petitioner's parents, they were not happy about the same and they have stated that their only duty is to conduct the marriage and no other duty is left for them to take care of the daughter and one of the family friend had done all the ceremonies during Srimantham on 27.01.2014. A boy by name Ramakishore was born. There are some disputes between the parties and wife left the matrimonial house and started living with her parents. From 13.05.2016, there was a quarrel between the parties and the petitioner/wife parents had assailed him and due to the same he

got fractured and from that day both of them are living separately.

3.The petitioner/wife submits that on false and baseless allegations, a divorce petition has been filed by the husband at Sub-Court, Srivilliputhur without any reasonable causes. The petitioner/wife has sent out of the house and she was living at Srivilliputhur. She has got two minor children aged about 2 & 5 years and she was unable to travel from Srivilliputhur to Paramathy and she has to take care of her children as well as her age old parents and they need her help and she cannot travel along with 2 minor children, who are aged about 2 & 5 years and attend the Court at Paramathy, Vellore. She has also filed Restitution of Conjugal Rights before Family Court at Srivilliputhur and she prayed for transfer of HMOP No.11 of 2019 filed by the husband in Paramathy to transfer to Family Court, Srivilliputhur. She also apprehends that she cannot travel all along to Paramathy and attend the Court proceedings, as the husband respondent is an Advocate and he is also practicing in the same Court and staying with his parents in same village viz., Maharajapuram on an unregistered rental agreement fabricated by him to invoke the jurisdiction of the Sub Court at Vellore, had filed a case before the Sub-Court only to harass the petitioner and the said act has ill motive to drag her and make her run from pillar to post to attend the said Court. In order to obtain divorce in unlawful manner, he has filed the said H.M.O.P and prayed for divorce. The respondent/ husband appears through the counsel and he submits that he has no objection to transfer the Civil Miscellaneous Petition to Srivilliputhur Family Court.

4.It is made clear that the respondent/husband and the wife should not act in a manner which will cause disturbance to the Court and both the parties are directed to maintain peace and harmony in the Court premises. Accordingly, the Tr.C.M.P.No.682 of 2019 stands allowed. No costs. Consequently, the connected Civil Miscellaneous Appeals are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Subordinate Judge,
Sub Court, Paramathy,
Vellore District.
- 2.The Judge,
Family Court,
Srivilliputhur District.

+1cc to Mr.S.Surya, Advocate Sr.95186

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and
C.M.P.No.19457 & 19458 of 2019

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srg 10/01/2020