

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

TR C.M.P. No.697 of 2019
and
C.M.P.No.19869 of 2019

A.Ragasudha

... Petitioner

Vs.

S.Sakthivel

... Respondent

PRAYER: Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw HMOP. No.78 of 2019 pending before the Subordinate Court, Virudhunagar and transfer the same to the file of the II Additional Family Court, Chennai to be tried along with HMOP. No.2853 of 2019 pending before the II Additional Family Court, Chennai.

For Petitioner : Mr.Sowmi Dattan

For Respondent : Mr.R.Thiagarajan

O R D E R

This Transfer Civil Miscellaneous Petition has been filed seeking to withdraw HMOP. No.78 of 2019 and transfer the same to the file of the II Additional Family Court, Chennai to be tried along with HMOP. No.2853 of 2019 pending before the II Additional Family Court, Chennai.

2. The Respondent and the petitioner are the husband and wife. The marriage between the parties was solemnized on 21.08.2015 at Vaghuthan Trust Kalyana Mandapam as per Hindu Rites and Custom. In the wedlock, a male child was born viz., Vishweshvaran. After the marriage, the respondent stated ill-treating the petitioner and used to quarrel with the petitioner by using filthy language. The respondent has always stated that he married the petitioner at the instigation and compulsion of his parents. Subsequently, the respondent deserted the petitioner and his son and also he filed a petition for divorce in HMOP. No.78 of 2019 before the Sub Court, Virudhunagar. The petitioner has filed a petition in HMOP. No.2853 of 2019 before the II Additional Family court, chennai for restitution of conjugal rights. The petitioner/wife is the resident of Chennai. She finds it difficult to travel from Chennai to Virudhunagar to attend the court proceedings. Therefore, she seeks transfer of the

petition filed by the husband, from Virudhunagar to the Family Court, Chennai.

3. The learned counsel for the petitioner/wife would submit that now the petitioner and her child are living in her parental house at Chennai. The parents of the petitioner is aged persons and the petitioner is also depending her parents for her livelihood. It is very difficult for her to spend money for each and every hearing to come to Virudhunagar which comes nearly 520 kms. from Chennai; and to travel along with her child. Therefore, it will be appropriate to transfer the case filed by her husband from Virudhunagar to Family Court, Chennai and to try along with the petition filed by the petitioner.

4. The learned counsel for the respondent/husband vehemently denied all the allegations made by the petitioner. After the marriage, the petitioner was ill-treated her husband and caused mental cruelty. When she was conceived in the year 2016, the petitioner went to her parental house and she did not return the matrimonial house. As a dutiful husband, the respondent showered lot of love and affection. But the petitioner is not willing to live with the petitioner. Therefore, he was constrained to file a petition for divorce. Hence, the learned counsel prays to dismiss this petition filed by the petitioner.

5. Heard the learned counsel for the petitioner as well as the respondent and also perused the materials available on record.

6. Considering the convenience of the parties concerned, this Court is inclined to issue direction to withdraw the petition in HMOP. No.78 of 2019, on the file of the Subordinate Court, Virudhunagar and transfer the same to the file of the IV Additional Family Court, Chennai, to try along with HMOP. No.2853 of 2019 pending before the Family Court, Chennai.

7. In the result, the Transfer Civil Miscellaneous Petition is allowed. Accordingly, the Original Petition in HMOP. No.78 of 2019 pending on the file of Subordinate Court, Virudhunagar is directed to be withdrawn and transferred the same to the file of the II Additional Family Court, Chennai, to be tried along with HMOP. No.2853 of 2019 filed by the wife, pending on the file of the II Additional Family Court, Chennai. Further, the parties are directed to cooperate with the Court proceedings. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

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To

1.The Subordinate Judge,
Family Court, Virudhunagar

2.The II Additional Judge,
Family Court,
Chennai.

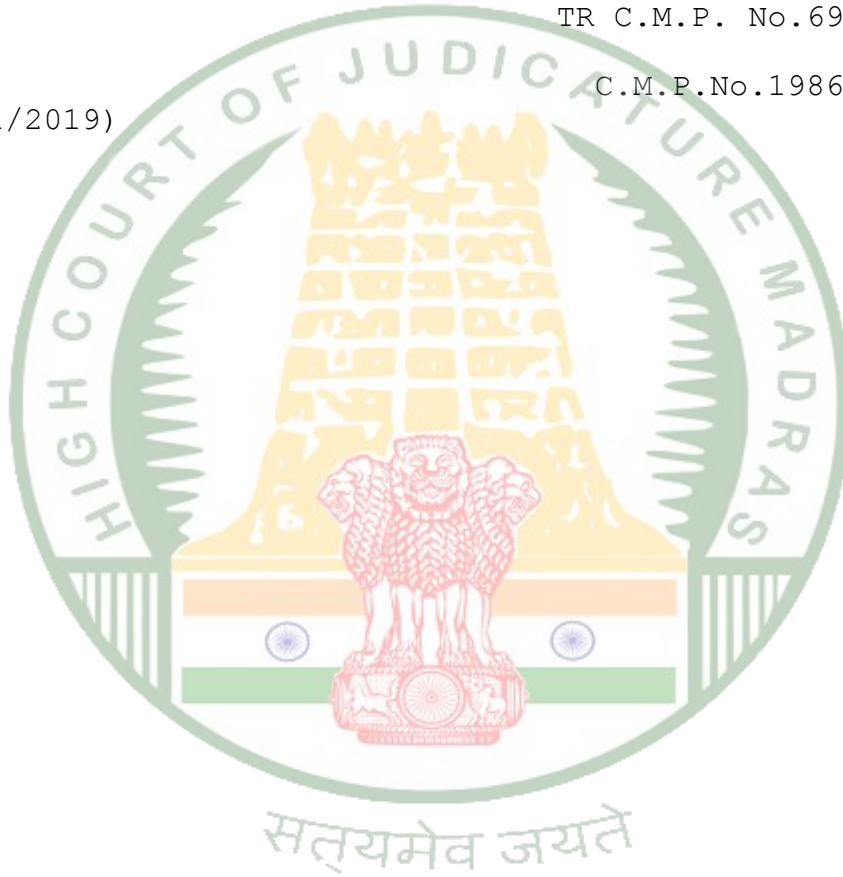
+2ccs to Mrs.Sowmi Dattan , Advocate SR.No. 86329

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A.SK(29/11/2019)



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